

DOCUMENT #5529

ADOPTED

10/1/92

SUMMARY

East Boston Neighborhood District Zoning

Article 53

October 1, 1992
Draft document

ARTICLE 53

EAST BOSTON NEIGHBORHOOD DISTRICT ZONING ARTICLE

SUMMARY OUTLINE

Overall Goals of East Boston Neighborhood District Zoning

- A. To preserve and enhance the East Boston neighborhood;
- B. To promote land uses which provide a viable neighborhood economy and jobs for East Boston and city residents;
- C. To maintain the maritime economy of the city;
- D. To enhance the urban design character of the neighborhood;
- E. To protect existing residential uses from any adverse effects of industrial uses and airport uses;
- F. To maintain the stock of affordable housing and provide for affordable and market rate housing for families and individuals;
- G. To preserve, enhance and create quality open space; and
- H. To protect the environment and improve the quality of life.

Recognition of the East Boston Neighborhood Plan

The East Boston Neighborhood District Zoning was developed in accordance with the provisions of the East Boston IPOD. It articulates the East Boston Neighborhood Plan which, when adopted by the Boston

Redevelopment Authority, will be a portion of the general plan for the City as a whole. The East Boston Neighborhood District Zoning Article is an integral part of this Plan and one of the means of implementing the East Boston Neighborhood Plan.

Community Participation

The zoning has been developed with the extensive participation of the East Boston Planning and Zoning Advisory Committee, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue the role, the East Boston Planning and Zoning Advisory Committee or its successor organization, if any, and the East Boston civic associations, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for East Boston.

Provisions of East Boston Neighborhood District by Uses

Residential Subdistricts.

In recognition of East Boston's existing residential character and the potential for residential expansion, five types of residential subdistricts have been developed.

The purposes of the Residential Subdistricts are:

- to maintain and enhance the character of residential

neighborhoods in terms of density, housing type, and design;

- to provide for low density and medium density multifamily housing congruous to the existing built environment; and
- to encourage appropriate development of housing designed to enhance the neighborhood while preventing over development.

Height limits of 35 feet generally have been established to protect residential areas from inappropriate development and encourage neighborhood conservation.

Lot size requirements for residential subdistricts range from 2000 to 7000 square feet per one or two family unit. Appropriate lot sizes were derived from an analysis of the existing fabric and desirable density of each residential subdistrict.

Five residential zoning subdistricts are proposed for the East Boston Neighborhood District. These include the following: One-Family Residential Subdistrict, Two-Family Residential Subdistrict, Three-Family Residential Subdistrict, Multifamily Residential Subdistrict, and Multifamily Residential/Local Service Subdistrict.

One-Family Residential Subdistricts (1F)

Purpose:

- to preserve, maintain, and promote low density one-family neighborhoods; and
- to provide for new infill construction appropriate to

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the existing fabric.

The maximum number of dwelling units allowed in a single structure is one.

The maximum allowed FAR is 0.5.

The lot size requirement is 4,000, 5,000 and 7,000 square feet for one unit, depending upon the area.

Two-Family Residential Subdistricts (2F)

Purpose:

- to preserve, maintain, and promote two-family neighborhoods;
- to preserve existing structures;
- to provide for new infill construction appropriate to the existing fabric; and
- to allow minor changes to occur as of right.

The maximum number of dwelling units allowed in a single building is two.

The maximum allowed FAR is 0.6 or 0.8.

The lot size requirement is 2,000, 3,000, 4,000, 5,000 or 7,000 square feet for one or two units.

Three-Family Residential Subdistricts (3F)

Purpose:

- to preserve low density three-family areas with a variety of housing types appropriate to the existing fabric including one, two, and three family dwellings.

The maximum number of dwelling units allowed in a single structure is three, and the maximum allowed number of buildings attached in a row is three.

The maximum allowed FAR is 1.0.

The lot size requirement is

2,000 square feet for the first two units with an additional 1,000 square feet for a third unit.

Multifamily Residential Subdistricts (MFR)

Purpose:

- to encourage medium density residential areas with a variety of allowed housing types including one, two and three family dwellings, row houses, town houses and multi-family dwellings.

The maximum allowed FAR is 1.0.

The lot size requirement is 2,000 square feet for the first two units with 1,000 square feet for each additional unit.

Multifamily Residential Subdistricts/Local Service Subdistricts (MFR/LS)

Purpose:

- to encourage medium density residential areas with a variety of allowed housing types including one, two, and three family dwellings, row houses, town houses and multi-family dwellings and limited ground floor commercial uses.

The maximum allowed FAR is 1.0.

The lot size requirement is 2,000 square feet for the first two units with 1,000 square feet for each additional unit.

Neighborhood Business Subdistricts.

The purpose of the Neighborhood Business Subdistricts is:

- to encourage the development of neighborhood businesses which provide

essential goods and services as well as jobs and entrepreneurial opportunities for the East Boston community.

There are two types of Neighborhood Business Subdistricts. Neighborhood Shopping Subdistricts provide convenience goods and services to the larger neighborhood. Community Commercial Subdistricts provide a diversified commercial environment serving larger markets.

Four Neighborhood Business Subdistricts are established within the East Boston Neighborhood District.

1. Maverick Square Neighborhood Shopping Subdistrict

2. Day Square Neighborhood Shopping Subdistrict

3. Orient Heights Neighborhood Shopping Subdistrict

4. Central Square Community Commercial Subdistrict

Specific sign regulations are applicable in Neighborhood Business subdistricts.

Specific design requirements apply to street walls and display windows.

Design review is required for certain projects in Neighborhood Business Subdistricts.

Local Industrial Subdistrict

The purposes of the Local Industrial Subdistrict in East Boston are:

- to encourage the preservation of the existing manufacturing and industrial base in a manner which is sensitive to the needs of the surrounding neighborhoods.

and

- to encourage the development of new job opportunities within the East Boston Neighborhood District.

One Local Industrial Subdistrict is established within the East Boston Neighborhood District:

1. Eagle Hill Local Industrial Subdistrict.

Appropriate screening, buffering and performance standards are required to protect adjacent residential areas and the health of all residents.

Performance Standards are established and include controls on the effects of electrical disturbances, contamination of surface water or groundwater, noise, air pollution, vibration, dust, odor or change in temperature.

In order to ensure that any development within the Local Industrial Subdistrict is consistent with the existing visual characteristics of the subdistrict, design guidelines have been established for this areas and include: landscaping; screening of off-street parking lots, off-street loading areas and accessory storage areas; and signage.

Economic Development Areas.

Economic Development Areas (EDAs) are subdistricts established to:

- encourage economic growth, and commercial and industrial activity in a manner which is sensitive to the needs and interests of the community;
- provide for economic

development that is of a quality and scale appropriate to the surrounding neighborhood;

- encourage the diversification and expansion of Boston's and East Boston's economy through scientific research and development uses, and other uses to create and retain job opportunities, and to create affordable housing; and

- provide additional economic benefits to the surrounding East Boston neighborhood.

Three EDAs are established within the East Boston Neighborhood District:

1. McClellan Highway Economic Development Area
2. Saratoga Street Economic Development Area
3. Suffolk Downs Economic Development Area

The height limit is 35 feet for the Saratoga Street EDA, 45 feet for the McClellan Highway EDA and 45 feet for the Suffolk Downs EDA. All EDAs have an FAR of 2.

Sign regulations, screening and buffering regulations and Performance Standards apply in these EDAs.

Conservation Protection Subdistrict (CPS)

Purpose:

- to ensure that development in areas of natural beauty and significance occurs in a manner which will protect and conserve the natural and scenic features of such areas;
- to promote the most desirable use of land and direction of development in such areas in accordance with a well considered plan; and

- to protect and enhance the natural scenic resources of East Boston.

The CPS is mapped in the following area:

1. Orient Heights Conservation Protection Subdistrict

The CPS is a district that establishes site plan review requirements to ensure that development is situated on the site so as to preserve and protect the natural and vegetative features that are of significance to the community and city.

Community Facilities Subdistricts (CF)

Purpose:

- to encourage the development and expansion of important community-based facilities in the East Boston Neighborhood District which provide health, educational and cultural services to the community and are an important part of the fabric of the East Boston community.

One Community Facilities Subdistrict is established within the East Boston Neighborhood District:

1. East Boston High School Community Facilities Subdistrict;

Corridor Enhancement Subdistrict (CE)

Purpose:

- to promote the most desirable use of land and siting of development in areas which are of critical importance in providing a buffer between residential land uses and industrial uses, airports or major transportation facilities.

■to provide opportunities for development and/or open space uses that protect and enhance the overall quality of life within East Boston.

The Corridor Enhancement Subdistrict is mapped in the following area:

1. Central Corridor Enhancement Subdistrict

The CE establishes site plan review requirements to ensure that development is appropriate for the site on the basis of location, design, and sensitivity to surrounding features and unique aspects of the site.

Open Space Subdistricts (OS)

East Boston's open space resources are greatly valued by its residents. In recognition of that fact, Open Space subdistricts have been established on publicly owned land for these resources.

Among the purposes of the Open Space districts and subdistricts are:

■to encourage the preservation of open space for community gardens, parkland, recreation, shoreland, Urban Wilds, waterfront access area, cemetery, and urban plaza purposes;

■to enhance the quality of life of the city's residents by permanently protecting open space resources;

■to distinguish different open space areas in order to provide for uses appropriate to each open space site on the basis of topography, water, flood plain, scenic value, forest cover, urban edge, or unusual geologic features;

■to prevent the loss of open space to commercial development;

■to enhance the appearance of neighborhoods through preservation of natural green space; and

■to ensure the provision of adequate natural light and air quality by protecting the supply of vegetation and open space throughout Boston.

These open space zoning subdistricts include: Cemetery Open Space Subdistrict; Community Garden Open Space Subdistrict; Recreation Open Space Subdistrict; Parkland Open Space Subdistrict; Shoreland Open Space; Urban Plaza Open Space Subdistrict; Urban Wilds Open Space Subdistrict; and Waterfront Access Open Space Subdistrict.

The following are the specific open space designations for each open space area:

Cemetery:

Bennington Street Cemetery
Ohabei Shalome Cemetery

Community Garden:

Marginal Street Community Garden

Parkland:

Brophy Park
Golden Stairs Terrace
London and Decater Streets
Decater and Meridian Streets
Prescott Square
Putnam Square

Recreation:

North Ferry Park
Joe Porzio Park
Lamson Street Playground
Noyes Park
American Legion Field
East Boston Memorial Stadium

Paris Street Playground
McLean Playground
Saratoga Street Playground
Shoreland:

Orient Heights Beach
(Constitution Beach)

Urban Plaza:

Maverick Square
Central Square

Urban Wild:

The Rockies
Belle Isle Marsh
Condor Street Crescent

Eagle Hill Park

Waterfront Access:

Harborside Park

Logan International Airport Subdistrict (LIA)

Purpose:

■to accommodate those uses necessary to the operation of an international airport while ensuring that land uses and development associated with operations of the airport are confined to the airport boundary and that such uses do not impose adverse impacts in other areas of the East Boston Neighborhood District.

One Airport Subdistrict is designated:

1. Logan International Airport

Overlay Districts

Two types of overlay districts are mapped in East Boston and include the Neighborhood Design Overlay Districts and Special Study Areas.

1. Neighborhood Design Overlay District (NDOD)

Purpose:

■to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods and concentrations of historic

buildings.

Four Neighborhood Design Overlay Districts are designated:

1. Belmont Square Neighborhood Design Overlay District
2. Gove Street Neighborhood Design Overlay District
3. Putnam Square Neighborhood Design Overlay District
4. St. Andrew and Bayswater Neighborhood Design Overlay District

While the development of new housing within these Neighborhood Design Overlay Districts is encouraged, the character of any new construction or rehabilitation should preserve and complement the character of historic structures and enhance the historic quality of these neighborhoods.

All use, dimensional and other provisions applicable to the underlying Residential Subdistrict shall apply within each Neighborhood Design Overlay District.

Within the Neighborhood Design Overlay Districts, special design review requirements apply.

Special Study Areas (SSA)

Purpose:

■to allow for the development of a comprehensive plan and accompanying zoning which addresses the appropriate mix of uses and appropriate dimensional and design controls that will guide future development of each area.

Three Special Study Areas are designated:

1. Bremen Street/Orleans Street Rail Alignment;

2. Central Square/Old Boston East

3. Suffolk Downs.

Planned Development Areas

PDAs are permitted within Economic Development Area Subdistricts, Corridor Enhancement Subdistrict and Conservation Protection Subdistrict. PDAs are not permitted within any other subdistrict of the East Boston Neighborhood District. Slightly greater heights are permitted for PDAs because any development will undergo extensive site plan review and design review which will determine appropriate heights for the site within that framework. However, the PDA designation is only permitted for economic development projects which provide certain types of public benefits to the community.

The purposes for establishing PDAs are:

- to provide public benefits to the East Boston community, including the creation of new job opportunities and the diversification and expansion of Boston's economy;
- to establish more flexible zoning which will encourage large-scale development on underutilized sites in the East Boston Neighborhood District while ensuring quality design by providing planning and design controls; and
- to encourage economic development and commercial expansion.

The PDA provides the community with full participation in the process. Standards for development plan approval and the

approval process are detailed in the East Boston Neighborhood District Zoning Article.

Chapter 91 Provisions and Waterfront Subdistricts

The primary planning goals of the Waterfront Subdistricts are:

- to provide public access to the waterfront's unique opportunities for recreation, economic activities, and housing;
- to protect and enhance the waterfront's maritime industries which require deep-water shipping channels and land-side facilities on the harbor; and
- to manage growth so that appropriately designed mixed-use development brings vitality to the waterfront, and so that benefits of that development are shared by residents of the neighborhood.

General provisions applicable to Waterfront Subdistricts and areas subject to Chapter 91 tidelands licensing include:

- Public Access.** All projects will be required to provide a continuous walkway along the water, open to the public.
- Open Space.** Fifty percent of all project sites must be preserved as open space with provisions for public access. A minimum setback of 35 feet from the shoreline and from the ends of piers must be provided in all areas.
- Activation of the Waterfront.** At least forty percent of the first floor of any project with more than 10,000 square feet of gross

floor area must be devoted to facilities of public accommodation. No residential uses will be permitted on the first floors of piers.

■ **Water Transportation.** All projects must include a water transportation facility commensurate with the scale and location of the project.

Chapter 91. The East Boston Neighborhood District Zoning Article incorporates and expands upon the provisions of the Massachusetts tidelands (Chapter 91) regulations for public access, water dependent uses, and activation of the waterfront. The Zoning will become part of the Harbor Management Plan approved by the Department of Environmental Protection. When a project is subject to the licensing requirements of Chapter 91, the BRA in making its recommendation to the Department of Environmental Protection, must determine whether or not the project serves a proper public purpose and would not be detrimental to the public's rights in tidelands including:

- visual access to the water,
- rights to fishing, fowling and navigation;
- physical access to and along the water's edge for recreation and other public purposes where the site includes public tideland, and open space for public use and enjoyment;
- interest in the preservation of the historic character of the project's site;
- interest in industrial and

commercial waterborne transportation of goods and persons; and

■ interest in repair and rehabilitation of dilapidated piers that blight the Harbor and limit public access.

Six types of waterfront zoning subdistricts are proposed for the East Boston Neighborhood District. These include the following: Waterfront Residential Subdistricts, Waterfront Community Facilities Subdistrict, Waterfront Commercial Subdistrict, Waterfront Service Subdistricts, Waterfront Manufacturing Subdistricts and Maritime Economy Reserve Subdistricts.

Waterfront Residential Subdistricts (WR)

Purpose:

■ to provide for residential uses in areas on the waterfront where residential uses can be accommodated without conflicting with commercial and industrial maritime uses.

Two Waterfront Residential Subdistricts are established:

1. South Ferry Waterfront Residential Subdistrict
2. Shore Plaza Waterfront Residential Subdistrict

Waterfront Community Facilities Subdistrict (WCF)

Purpose:

■ to ensure that the development and expansion of important waterfront community-based facilities in the East Boston Neighborhood District develop in a manner that is sensitive to and compatible

with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy.

One Waterfront Community Facilities Subdistrict is established:

1. Mario Umana Harborside School of Science and Technology Waterfront Community Facilities Subdistrict

Waterfront Commercial Subdistrict (WC)

Purpose:

■ to ensure that the commercial areas located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy.

One Waterfront Commercial Subdistrict is established:

1. Central Square Waterfront Commercial Subdistrict

Waterfront Service Subdistricts (WS)

Purpose:

■ to preserve for water-dependent commercial use adequate piers, docks, and land necessary for the repair, maintenance, and sale of commercial and recreational vessels;

■ to protect against the encroachment of uses that threaten the continued economic viability of water-dependent commercial operations in the East Boston Neighborhood District.

Three Waterfront Service Subdistricts are designated:

1. Jeffries Point Waterfront Service Subdistrict

2. Maverick Waterfront Service Subdistrict
3. Orient Heights Waterfront Service Subdistrict

Waterfront Manufacturing Subdistricts (WM)

Purpose:

- to protect the working waterfront; and
- to support maritime industrial uses through promotion of related manufacturing uses.

Six Waterfront Manufacturing Subdistricts are designated:

1. North Ferry Waterfront Manufacturing Subdistrict
2. Meridian Street Waterfront Manufacturing Subdistrict
3. Chelsea Creek Waterfront Manufacturing Subdistrict
4. Condor Street Waterfront Manufacturing Subdistrict
5. Eagle Square Waterfront Manufacturing Subdistrict
6. Upper Chelsea Creek Waterfront Manufacturing Subdistrict.

Maritime Economy Reserve Subdistricts (MER)

Purpose:

- to support, foster and promote a maritime economy;
- to preserve sites for maritime-dependent industrial uses, including water-dependent light manufacturing uses, along the waterfront consistent with applicable state policy and the needs of the maritime industry.

Six Maritime Economy Reserve Subdistricts are designated:

1. Marginal Street Maritime Economy Reserve Subdistrict
2. New Street Maritime

- Economy Reserve Subdistrict
3. Border Street Maritime Economy Reserve Subdistrict
4. Nay Street Maritime Economy Reserve Subdistrict
5. Condor Street Maritime Economy Reserve Subdistrict
6. Chelsea Street Maritime Economy Reserve Subdistrict

Development Review

Purpose:

- to ensure that growth is compatible with the historic character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality.

Article 31 Development Review

All large projects, regardless of location, will be subject to Article 31, Development Review Requirements.

Article 31 provides a process for the review of large scale projects and includes design review. Article 31 is applicable in the East Boston Neighborhood District for all projects having a gross floor area of 50,000 or more square feet.

A proposed project not otherwise subject to Article 31, for the construction of 15 or more units of housing, must provide the Transportation Access Plan and comply with design review requirements.

Design Review

Design review will be required for all projects having a gross floor area of

25,000 or more square feet, and certain smaller projects in NDODs and in Neighborhood Business Subdistricts, and for certain smaller projects.

Projects subject to design review include:

- Erection or extension of one or more buildings that results in an aggregate gross floor area of 25,000 square feet or more.

- Erection or extension of a building with a gross floor area of 300 or more square feet, if the building is visible from any public street or public open space within a Neighborhood Business Subdistrict or a Neighborhood Design Overlay District.

- Exterior alteration affecting more than 300 square feet of the building facade visible from any public street or public open space within a Neighborhood Business Subdistrict or a Neighborhood Design Overlay District.

- Any exterior alteration changing the roof shape, cornice line, height of street wall, or building height of an existing building in a Neighborhood Design Overlay District.

- The erection, extension, or alteration of any internally lit sign located outside a building.

Procedures for approval are detailed in the text of the East Boston Neighborhood District Zoning Article.

MISCELLANEOUS PROVISIONS

Off-Street Parking and Loading Requirements

For project subject to or electing to comply with Article 31, off-street parking requirements and off-street loading facilities requirements will be subject to development review in accordance with Article 31.

For other projects, the minimum required off-street parking is set forth in Table L of the East Boston Neighborhood District Zoning Article. The minimum required off-street loading facilities are established in Table M.

Specific guidelines for computing required off-street parking are established for outdoor uses, pre-existing structures, mixed uses and "shared parking" arrangements, and for the location, design, and maintenance of parking facilities.

Off-street parking requirements are 1.7 to 2.0 spaces per dwelling unit and 0.7 space per dwelling unit for Affordable Housing. Two spaces per 1,000 square feet of gross floor area are required for retail and service uses and 1.0 space per 1,000 square feet of gross floor area for banking and postal uses, community uses, and office uses.

Dimensional Requirements

The East Boston Neighborhood District Zoning Article includes certain rules for applying the dimensional requirements to special situations. These rules, generally addressing safety, and light and air concerns,

fall into the following categories:

- Exceptions to minimum lot size requirements;
- Conformity with existing building alignment;
- Traffic visibility across corner;
- Front wall of building not parallel to front lot line;
- Special provisions for corner lots;
- Side wall of building not parallel to side lot line;
- Side yards of certain narrow lots;
- Accessory buildings in rear yards;
- Rear wall of building not parallel to rear lot line;
- Rear yards of through lots;
- Rear yards of certain shallow lots;
- U n d e r g r o u n d encroachments in yards;
- Two or more dwellings on same lot;
- Two or more buildings on one lot; and
- Non-conformity as to dimensional requirements.

These standard zoning provisions have been clarified and streamlined from the provisions of the existing Zoning Code.

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PROPOSED ZONING SUBDISTRICT DESIGNATIONS

Article 53 East Boston Neighborhood District



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Text Amendment Application No.
Boston Redevelopment Authority
East Boston Neighborhood District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article 52, the following article:

ARTICLE 53

EAST BOSTON NEIGHBORHOOD DISTRICT

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SECTION 53-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the East Boston Neighborhood District as required by the provisions of the East Boston Interim Planning Overlay District, Article 27G of this Code. The goals and objectives of this Article are to preserve and enhance the East Boston neighborhood; to promote land uses which provides jobs for the City's residents; to maintain the City's maritime economy; to enhance the appearance of residential, commercial, and local industrial subdistricts; to protect existing residential uses from the adverse effects of industrial uses and airport uses; to maintain the stock of affordable housing; to preserve, enhance and create open space; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 53-2. Recognition of the East Boston Neighborhood Plan. In accordance with Section 27G-7 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for the East Boston Neighborhood District, the Commission shall recognize the East Boston Neighborhood Plan, when adopted by the Boston Redevelopment Authority, as the general plan for the East Boston Neighborhood District. The East Boston Neighborhood Plan, when approved, shall also serve as the portion of the general plan for the City of Boston applicable to the East Boston Neighborhood District. This Article is an integral part of and one of the means of implementing the East Boston Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 53-3. Physical Boundaries. The provisions of this Article are applicable only in the East Boston Neighborhood District. The boundaries of the East Boston Neighborhood District and its subdistricts are as shown on the maps numbered 3A, 3B, 3C and 3D and entitled "East Boston Neighborhood District" (replacing 'Map 3 East Boston') the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 53-4. Applicability. This Article together with the rest of this Code constitute the zoning regulation for the East Boston Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code

Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Application of the provisions of Article 27G to the East Boston Neighborhood District is rescinded, and the East Boston Interim Planning Overlay District is extinguished on the effective date of this Article, except as provided below. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Article 13 through 24 of this Code for the East Boston Neighborhood District. Proposed Projects, however, are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practical under the circumstances.

SECTION 53-5. Prohibition of Planned Development Areas. Within the East Boston Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Sections 53-47 through 53-52.

SECTION 53-6. Community Participation. This Article has been developed with the extensive participation of the East Boston Planning and Zoning Advisory Committee, civic associations, business groups and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the East Boston Planning and Zoning Advisory Committee or its successor organization, if any, and the East Boston civic associations, residents, business and trade groups, shall continue to play an ongoing role in advising the City on land use planning for East Boston.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 53-7. **Establishment of Residential Subdistricts.** This Section 53-7 establishes Residential Subdistricts within the East Boston Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Subdistrict while preventing overdevelopment.

The following Residential Subdistricts are established:

1. One-Family Residential Subdistricts, as indicated by the designation "1F" on said Maps. The One-Family Residential Subdistricts are established to preserve, maintain and promote low density one-family neighborhoods, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 1F Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building is one (1).
2. Two-Family Residential Subdistricts, as indicated by the designation "2F" on said Maps. The Two-Family Residential Subdistricts are established to preserve, maintain, and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F

Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2).

3. Three-Family Residential Subdistricts, as indicated by the designation "3F" on said Maps. The Three-Family Residential Subdistricts are established to preserve the low density three-family areas with a variety of housing types appropriate to the existing fabric including one-, two-, but no more than three-family Dwellings and to allow minor changes to occur as-of-right. In a 3F Residential Subdistrict the maximum number of Dwelling Units allowed in a single Building, including a Town House Building, or Row House Building, is three (3).
4. Multifamily Residential Subdistricts, as indicated by the designation "MFR" on said Maps. The Multifamily Residential Subdistricts are established to encourage medium density multifamily areas with a variety of allowed housing types including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.
5. Multifamily Residential/Local Service Subdistricts, as indicated by the designation "MFR/LS" on said Map. The Multifamily Residential/Local Services Subdistricts are established to encourage medium density, multi-family areas with a variety of allowed housing types including, one-, two-,

and three-family Dwellings, Row Houses, Multifamily Dwellings, and limited ground floor commercial uses.

SECTION 53-8. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in a Basement are forbidden in the East Boston Neighborhood District.

SECTION 53-9. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum allowed Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard for any Lot in a Residential Subdistrict, and the

maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table E of this Article.

2. Lot Frontage. Within a One-Family Residential Subdistrict, Two-Family Residential Subdistrict, or Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table E of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width, provided that any Lot with more than one Detached Dwelling, with legal occupancy, prior to the adoption of this Article, shall be exempt from this provision.
3. Location of Parking. Accessory off-street parking in Residential Subdistricts shall not be located in any part of the Front Yards required by this Article, as set forth in Table E.
4. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 53-10. **Establishment of Neighborhood Business Subdistricts.**

This Section 53-10 establishes Neighborhood Business Subdistricts within the East Boston Neighborhood District. There are two types of Neighborhood Business Subdistricts: Neighborhood Shopping Subdistricts, providing convenience goods and services to the larger neighborhood; and Community Commercial Subdistricts, providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses which provide essential goods and services as well as jobs and entrepreneurial opportunities for the East Boston community.

The following Neighborhood Business Subdistricts are established:

1. Maverick Square Neighborhood Shopping Subdistrict
2. Day Square Neighborhood Shopping Subdistrict
3. Orient Heights Neighborhood Shopping Subdistrict
4. Central Square Community Commercial Subdistrict

SECTION 53-11. Use Regulations Applicable in Neighborhood Business Subdistricts. Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden)

in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 53-12. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table F of this Article.

SECTION 53-13. Additional Regulations Applicable in Neighborhood Business Subdistricts. Within Neighborhood Business Subdistricts, sign regulations as set forth in Section 53-58; screening and buffering requirements as set forth in Section 53-57; development review as set forth in Section 53-53; design review as set forth in Section 53-54, and specific design requirements, as set forth in Section 53-56, may be applicable.

REGULATIONS APPLICABLE IN TIDELANDS AND IN
WATERFRONT SUBDISTRICTS

SECTION 53-14. **Chapter 91 Tidelands Requirements.** In accordance with Chapter 91 of the General Laws of Massachusetts ("Chapter 91") and the regulations promulgated thereunder, certain Projects (as that term is defined below) located in Tidelands require a license ("Chapter 91 License") from the Commonwealth's Department of Environmental Protection ("DEP"). Section 18 of Chapter 91 requires that the planning board of a municipality in which a Project requiring a Chapter 91 license is located (i.e., the Boston Redevelopment Authority, in Boston) submit a written recommendation ("Section 18 Recommendation") stating whether the planning board believes the Project would serve a proper public purpose and would not be detrimental to the public's rights in Tidelands (the "Section 18 Standard"). Such a Section 18 Recommendation with respect to a Project requiring a Chapter 91 License and located in the East Boston Neighborhood District shall be made by the Boston Redevelopment Authority in accordance with the provisions of Subsection 1 of this Section 53-14. For the purposes of this Section 53-14 only, the term "Project" shall mean a development, activity, or change of use requiring a Chapter 91 license.

1. Determination of Proper Public Purpose. The Boston Redevelopment Authority, in making a Section 18 Recommendation regarding a Project located in the East Boston Neighborhood District, shall determine whether such Project serves a proper public purpose and would not be detrimental to the public's rights in Tidelands. The Boston Redevelopment Authority shall base such determination on the conformity of the Project to the

provisions of Subsections 2 through 7 of this Section 53-14, and on the extent to which the Project reasonably and appropriately preserves and enhances the public's rights in Tidelands including, without limitation, the public's:

- (a) visual access to the water, whether such Project is for a water-dependent or non-water-dependent use on Private or Commonwealth Tidelands;
- (b) rights to fishing, fowling, and navigation and the natural derivatives thereof, if such Project is for a Water-Dependent Use or non-Water-Dependent Use on Private or Commonwealth Tidelands;
- (c) physical access to and along the water's edge for recreation, commerce, and other lawful purposes, and interest in public recreational opportunities at the water's edge and open space for public use and enjoyment, if such Project is for a Water-Dependent Use or non-Water-Dependent Use on Commonwealth Tidelands;
- (d) interest in the preservation of the historic character of the Project's site;
- (e) interest in industrial and commercial waterborne transportation of goods and persons;

- (f) interest in repair and rehabilitation of dilapidated piers that blight the East Boston Neighborhood District and limit public access; and
- (g) interest in safe and convenient navigation in Boston Harbor, including without limitation:
 - (i) navigation by water transportation Vessels, such as ferries, water taxis, water shuttles, or commuter vessels, including, without limitation, appropriate and convenient navigation by such Vessels outside of the Main Shipping Channel and other established channels;
 - (ii) navigation by deep draft Vessels, including without limitation, appropriate navigation in the Main Shipping Channel and other established channels and the requirements of turning, anchorage, and approaches to deep water piers and berths;
 - (iii) navigation by Recreational Vessels and small Commercial Vessels outside of the Main Shipping Channel and other established channels as necessary or convenient for such Vessels to avoid interference with water transportation Vessels and deep draft shipping and as otherwise required for the purposes of harbor traffic management; and

- (iv) navigation, as appropriate to the site, by U.S. Coast Guard, U.S. Naval, police, fire, and other public safety Vessels.

2. Public Access to the Waterfront and Open Space. Public access to the waterfront and Open Space is a central policy of the City of Boston Municipal Harbor Plan and the East Boston Neighborhood Plan. Pursuant to this policy, the Boston Redevelopment Authority shall not make a positive Section 18 Recommendation with respect to a Project that the Boston Redevelopment Authority determines will significantly interfere with public rights to walk or otherwise pass freely on Commonwealth Tidelands for purposes of commerce, recreation, and all other lawful activities; or on Private Tidelands for purposes of fishing, fowling, navigation, and the natural derivatives thereof. The Boston Redevelopment Authority shall find that the Section 18 Standard is not met if the Project does not comply with the following public access conditions:

- (a) Pedestrian Access to Flowed Private Tidelands. To the extent that the Project site includes Flowed Private Tidelands, the Project shall allow continuous, on-foot, lateral passage by the public in the exercise of its rights therein, wherever feasible; any Pier, wharf, groin, jetty, or other structure on such Tidelands shall be designed to minimize interference with public passage, either by maintaining at least a five-foot clearance above the ground along the high water mark, or by providing a stairway for the public to pass laterally over

such structures, or by providing other means of lateral access substantially consistent with the foregoing; where obstruction of continuous access below the high water mark is unavoidable, the Project shall provide free lateral passage to the public above said mark in order to mitigate interference with the public's right to pass freely on Flowed Private Tidelands;

- (b) Pedestrian Access to Commonwealth Tidelands and Filled Private Tidelands. To the extent that the Project site includes Flowed or Filled Commonwealth Tidelands, or Filled Private Tidelands, the Project shall include reasonable measures to provide on-foot passage on such lands for the public in the exercise of its rights therein, in accordance with the following provisions:
- (i) if the Project is not a Water-Dependent Use Project, said Project shall provide a public Pedestrian Access Network;
 - (ii) if the Project is a Water-Dependent Use Project, the Project shall provide for public passage by such means as are consistent with the need to avoid undue interference with the Water-Dependent Use or Uses in question and to avoid any safety hazard to people working on or visiting the Project site; measures which may be appropriate in this regard include, but are not limited to, allowing the public to pass laterally along

portions of the Project shoreline, or transversely across the site to a point on the Project shoreline;

- (c) Accessibility, Maintenance, and Design of Open Space and Pedestrianways. All Open Space areas established pursuant to Section 53-18 located on Commonwealth Tidelands, and all Public Access Facilities described in paragraphs (a) and (b) of this Subsection 2 of Section 53-14, shall be open and accessible to the public 24 hours a day. No gates, fences, or barriers may be placed on said Public Access Facilities or Open Space in a manner that would impede or discourage the free flow of pedestrian movement thereon. The foregoing shall not be deemed to prohibit the placing of temporary barriers as required in emergencies or in connection with construction, maintenance or the like, provided that interference with pedestrian access and passage is minimized to the extent reasonably practicable and consistent with public safety and that such barriers are in place no longer than necessary. All such Public Access Facilities shall be Accessible to Physically Handicapped Persons. Active pedestrian use of such Open Space areas and Public Access Facilities shall be encouraged on a year-round basis, particularly for water-related activities, through such means as appropriate ground level uses of adjacent buildings and facilities and amenities designed to be attractive to pedestrians. Maintaining, cleaning, landscaping,

and managing such Open Space areas and Public Access Facilities shall at all times be the responsibility of the Chapter 91 licensee of the Project. The Applicant for any Project subject to or electing to comply with the development review provisions of Section 53-20 shall include in the urban design component of its Draft Project Impact Report, submitted pursuant to Section 31-5.3, an Open Space and Public Access Plan, including plans, drawings, specifications, descriptions of proposed uses, and descriptions of proposed management measures and access-related rules and regulations, if any, sufficient to permit the Boston Redevelopment Authority to determine the conformity of the Project to this Subsection 2 of Section 53-14 and to Section 53-18 (Open Space Requirements), and to make a Section 18 Recommendation.

- (d) Signage for Public Access Facilities. Any Project required to provide Public Access Facilities in accordance with Subsection 2(b) of this Section 53-14, shall encourage public patronage of such facilities by placing and maintaining adequate signage at all entryways and at other appropriate locations on the site; said signage shall:
- (i) conform to Article 11 (Signs);

- (ii) conform, as applicable, to design guidelines for Harborwalk signage to be issued as regulations by the Boston Redevelopment Authority; and
 - (iii) include at least one sign, conforming to such design guidelines and placed in a prominent location, which advises the public of its access rights and discloses whatever access-related rules and regulations are in effect, if any.
- (f) Public Access in Maritime Economy Reserve (MER) Subdistricts.
- Within any Maritime Economy Reserve Subdistrict, public access shall be required as set forth above, but only to the extent to which it does not significantly interfere with or obstruct the operation of a maritime-dependent industrial use or pose a safety hazard to workers or visitors on the site of such use.

3. Creation of Housing on Lots Containing Commonwealth Tidelands.

- (a) Lots Not Owned by a Public Agency. For a Project to construct ten (10) or more units of housing on a Lot not owned by a Public Agency, which Lot includes Commonwealth Tidelands, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless at least ten percent (10%) of the proposed dwelling units are Affordable.

- (b) Lots Owned by a Public Agency. For a Project to construct four (4) or more units of housing on a Lot owned by a Public Agency, which Lot includes Commonwealth Tidelands, the Boston Redevelopment Authority shall find that the Section 18 Standard is not met unless at least twenty-five percent (25%) of the proposed dwelling units are Affordable.

For purposes of this Subsection 3 of Section 53-14, the date for determining ownership of a Lot is the date on which a Project Notification Form for the Project is filed, pursuant to Section 31-5.1, or if no Project Notification Form is required, as of the date on which a building permit application for the Project is filed.

4. Provision of Water Transportation Facilities. To promote an effective water transportation system, and to ensure use of the waterfront and full access to recreational, commuting, and economic activities, the Boston Redevelopment Authority shall find that the Section 18 Standard for a Project is not met unless the Project conforms to the applicable requirements for water transportation facilities set forth below:

- (a) Water Transportation Facility Requirement. In making a Section 18 Recommendation with respect to a Project, the Boston Redevelopment Authority shall consider the extent to which provision is made on the Project site for waterborne passenger transportation

facilities, including, without limitation, terminals and landings for water ferries, water shuttles, or water taxis, and free public landings, as appropriate to the scale, use, and location of the Project.

- (b) Provision of Dockage at Seawalls and Bulkheads. In order to provide adequate docking areas for both emergency use and routine harbor activities, any reconstruction of seawalls or bulkheads along those portions of the Project shoreline that line waters accessible by Vessels shall, to the extent reasonably practicable, accommodate dockage of Vessels alongside such seawalls or bulkheads.

5. Additional Regulations Applicable to Tidelands Proposed to be Filled. This Subsection 5 of Section 53-14 governs Tidelands that are filled after the date of the first notice of hearing before the Zoning Commission on this Article. Piles are not considered "fill" for the purposes of this Article.

- (a) Conditions for Filling Tidelands. New fill is prohibited in any area where Pier construction or extension is prohibited by this Code. With respect to a Project involving new fill in areas where Pier construction or extension is not prohibited by this Code, the Boston Redevelopment Authority, in making a Section 18 Recommendation, shall find that the Section 18 Standard is not met unless such new fill is limited to the extent reasonably practicable by measures such as substituting pile-supported or floating structures for new fill or

relocating the use to a position above the High Tide Line. The foregoing shall not, however, prohibit or limit the use of new fill the purpose of which is to eliminate irregularities in or to repair previously altered portions of the shoreline included in the Project, provided that such new fill replaces previously authorized fill elsewhere along such shoreline on a one-to-one square foot basis (new fill to removed fill). The foregoing also shall not prohibit or limit the use of new fill the purpose of which is to accommodate mechanical elements of the Project that enter the seabed, such as, without limitation, elevator shafts, ventilation shafts, utility conduits, or the like, and any associated structural elements, provided that such fill is limited to that reasonably required under the circumstances, and provided further that all such mechanical elements, structural elements, and fill are wholly contained within the edges of a Pier.

- (b) Uses Allowed on Tidelands Proposed to be Filled. No portion of a Project located on Tidelands that are filled after the date of the first notice of hearing before the Zoning Commission on this Article shall be erected, used, or arranged or designed to be used except for a Water-Dependent Use otherwise allowed, or conditionally permitted subject to the provisions of Article 6, for such Project.

6. Uses Allowed on Floating Structures. No floating structure, other than a Vessel, shall be used or arranged or designed to be used except for a Water-Dependent Use otherwise allowed or conditionally permitted, subject to the provisions of Article 6, for the location of such structure.
7. Facilities of Public Accommodation. The requirements of this Subsection 7 of Section 53-14 apply to any Proposed Project located in a Waterfront Subdistrict, excluding Maritime Economy Reserve Subdistricts and Waterfront Manufacturing Subdistricts, or located on Tidelands subject to Chapter 91, if such Proposed Project has a gross floor area of ten thousand (10,000) or more square feet and involves new construction or a change of use on the first story. In such a Proposed Project, the use of at least forty percent (40%) of the gross floor area of the first story shall be for indoor Facilities of Public Accommodation that are otherwise allowed for such Proposed Project or are conditional and permitted pursuant to Article 6.

SECTION 53-15. Establishment of Waterfront Subdistricts. This Section 53-15 establishes Waterfront Subdistricts within the East Boston Neighborhood District. There are six (6) types of Waterfront Subdistricts: Waterfront Service ("WS") Subdistricts, Waterfront Manufacturing ("WM") Subdistricts, Maritime Economy Reserve ("MER") Subdistricts, Waterfront Commercial ("WC") Subdistricts,

Waterfront Residential ("WR") Subdistricts, and Waterfront Community Facilities ("WCF") Subdistricts.

The purposes of the Waterfront Service ("WS") Subdistricts include preserving for water-dependent commercial use adequate Piers, docks, and land necessary for the repair, maintenance, and sale of Commercial and Recreational Vessels, and protecting against the encroachment of uses that threaten the continued economic viability of water-dependent commercial operations in the East Boston Neighborhood District. The following Waterfront Service Subdistricts are established:

1. Orient Heights Waterfront Service Subdistrict
2. Jeffries Point Waterfront Service Subdistrict
3. Maverick Waterfront Service Subdistrict

The purposes of the Waterfront Manufacturing ("WM") Subdistricts include protecting the working waterfront, and supporting maritime industrial uses through promotion of related manufacturing uses. The following Waterfront Manufacturing Subdistricts are established:

1. North Ferry Waterfront Manufacturing Subdistrict
2. Meridian Street Waterfront Manufacturing Subdistrict
3. Chelsea Creek Waterfront Manufacturing Subdistrict
4. Condor Street Waterfront Manufacturing Subdistrict
5. Eagle Square Waterfront Manufacturing Subdistrict
6. Upper Chelsea Creek Waterfront Manufacturing Subdistrict

The purposes of the Maritime Economy Reserve ("MER") Subdistricts are to provide for light manufacturing water-dependent uses, and to preserve sites for maritime-dependent industrial uses along the waterfront consistent with applicable state policy and the needs of the maritime industry.

The areas designated as MER Subdistricts consist of those areas that were previously designated as MER Districts on "Map 3 East Boston." These areas remain subject to all the provisions of this Code applicable to MER Districts, except that (1) the maximum Building Height and Floor Area Ratio (FAR) for the MER Subdistricts are as set forth on Table G of this Article, and (2) all the provisions of this Article that apply to the Waterfront Subdistricts apply to the MER Subdistricts, except where otherwise specified in those provisions.

The following Maritime Economy Reserve Subdistricts are located as designated on Map 3 "East Boston Neighborhood District":

1. Marginal Street Maritime Economy Reserve Subdistrict
2. New Street Maritime Economy Reserve Subdistrict
3. Border Street Maritime Economy Reserve Subdistrict
4. Nay Street Maritime Economy Reserve Subdistrict
5. Condor Street Maritime Economy Reserve Subdistrict
6. Chelsea Street Maritime Economy Reserve Subdistrict

The purposes of the Waterfront Commercial ("WC") Subdistrict are to ensure that the commercial areas located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston

Neighborhood Plan and applicable state policy. The following Waterfront Commercial Subdistrict is established:

1. Central Square Waterfront Commercial Subdistrict

The purpose of the Waterfront Residential ("WR") Subdistricts is to provide for residential uses in areas on the waterfront where they can be accommodated without conflicting with commercial and industrial maritime uses. Providing certain areas for residential uses will enhance the balance of uses on the waterfront and allow this important area of the East Boston Neighborhood District to more fully accommodate all the activities of the residents of East Boston.

The following Waterfront Residential Subdistricts are established:

1. South Ferry Waterfront Residential Subdistrict
2. Shore Plaza Waterfront Residential Subdistrict

The purpose of the Waterfront Community Facilities ("WCF") Subdistrict is to ensure that the community facilities located near the waterfront develop in a manner that is sensitive to and compatible with the goals for the waterfront expressed in the East Boston Neighborhood Plan and applicable state policy. The following Waterfront Community Facilities Subdistrict is established:

1. Mario Umana Harbor School of Science and Technology CF Subdistrict

SECTION 53-16. Use Regulations Applicable in Waterfront Subdistricts.

Within the Waterfront Subdistricts, no land or structure shall be erected, used, or

arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified as "A" (allowed) or as "C" (conditional) in the table of uses of this Article applicable to that location. Any use identified in such table of uses as conditional for the proposed location of such use is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in such table of uses for the proposed location of such use is forbidden in such location. Any use not included in such table of uses is forbidden in the Waterfront Subdistricts.

SECTION 53-17. Dimensional Regulations Applicable in Waterfront

Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Waterfront Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in the dimensional table of this Article applicable to the Waterfront Subdistrict in which such Lot is located.

SECTION 53-18. Waterfront Open Space Requirements. Notwithstanding any contrary provisions of this Article, the Open Space requirements of this Section 53-18 apply to any Proposed Project involving new construction at grade and located on Tidelands subject to Chapter 91 or in a Waterfront Service, Waterfront Commercial, Waterfront Residential, or Waterfront Community Commercial Subdistrict, except for any Proposed Project with a gross floor area of 2,500 square feet or less used exclusively for one or more Water Dependent Uses.

Any Proposed Project subject to this Section 53-18 shall devote to Open Space at least fifty percent (50%) of the Lot Area of such Proposed Project.

For the purposes of those regulations in this Article governing Waterfront Subdistricts, the term "Open Space" shall mean land areas and areas on Piers excluding (a) any area occupied by a building or roofed structure; (b) any parking lot or parking area; (c) any street; (d) any private road or area devoted to motor vehicle use; (e) any salt-water area below the mean high tide line, other than areas on Piers; (f) any fresh water area more than ten (10) feet from the shoreline; (g) marina slips or floats or other floating structures; (h) swimming pools; and (i) tennis courts.

The foregoing notwithstanding, the following areas shall be deemed "Open Space":

1. any area occupied by a building not exceeding a Building Height of fifteen (15) feet and a gross floor area of four hundred (400) square feet and reserved exclusively for use as a Water-Dependent Use or a recreational use;
2. any area occupied by a building not exceeding a Building Height of fifteen (15) feet and a gross floor area of 400 square feet and reserved exclusively for use as a Water Dependent Use or a recreational use permitted as a conditional use pursuant to the use table applicable to the location of such use;

3. any area occupied by a street or private way open only to pedestrians and emergency vehicles;

All Open Space areas shall be Accessible to Physically Handicapped Persons, as those terms are defined in Section 30-2.

The Open Space requirements of this Section 53-18 shall not prohibit occasional access to or over Open Space by service vehicles reasonably required to construct or maintain the structures on the Lot or by emergency vehicles. However, routine access to or over Open Space areas by vehicles transporting, loading, or unloading passengers or supplies for the normal operation of buildings and uses is not consistent with the foregoing definition.

SECTION 53-19. Waterfront Yard Area Requirements. Except as otherwise expressly provided in this Article, the Waterfront Yard Area requirements of this Section 53-19 apply to any Lot located on Tidelands subject to Chapter 91, or in a Waterfront Subdistrict, if such Lot is adjacent to or includes the High Tide Line. Any such Lot shall include a Waterfront Yard Area adjacent to and landward of such High Tide Line, excluding portions of the High Tide Line occupied by Piers. A Waterfront Yard Area shall also be required along the edges of any Pier. The required Waterfront Yard Area landward of the High Tide Line and the required Waterfront Yard Area on Piers shall be connected so as to provide a continuous path along the waterfront. The dimensions of the required Waterfront Yard Areas are set forth in

Table 1:

TABLE 1

Required Depth of Waterfront Yard Area

Required Setback (Shoreline, excluding Piers)	Required Setback (Sides of Piers)	Required Setback (Ends of Piers)
35'	12'	35'

The following additional provisions shall apply to the Waterfront Yard Area requirement:

1. Waterfront Yard Area Measurements. The depth of the Waterfront Yard Area shall be measured perpendicularly from the High Tide Line in the case of bulkheads, rip rap, fill, or shoreline and from the Ends and Sides of Piers. In locating the Waterfront Yard Area, the actual High Tide Line may be smoothed with such curves and chords as may be accessory to achieve a reasonably regular landward boundary. However, in no instance shall the Waterfront Yard Area be narrower than the required dimension measured from the actual High Tide Line. For the limited purpose of applying the Waterfront Yard Area requirements of this Article, a filled area or a structure consisting of both fill and Pier, projecting seaward of the prevailing shoreline, and having the form of a wharf or Pier, shall be treated as Pier.

2. Setback Requirements. No portion of any building or structure (including, without limitation, mechanical facilities associated with a building) shall be located in any Waterfront Yard Area, except walkways, landscape furniture, guardrails, cleats, bollards, pilings, boat ramps, and other structures that do not materially interfere with pedestrian use of the Waterfront Yard Area and those structures that are required for operational or safety reasons to be located at the water's edge, provided that any resulting interference with pedestrian use of the Waterfront Yard Area is minimized to the extent economically practicable.
3. Exception to Waterfront Yard Area Setback Requirement. Any building or structure used for a Water Dependent Use, including without limitation, drydocks, enclosed or covered wet dock sheds, davits, hoists, mast markers, and the structures listed in Subsection 2 of this Section 53-19, shall be permitted within the Waterfront Yard Area as necessary to avoid interference with any direct access to the water required for such Water Dependent Use.
4. Floating Structures: No portion of any Waterfront Yard Area shall be located on any floating structure.

SECTION 53-20. Waterfront Development Review. Notwithstanding any contrary provisions of this Article or of Section 31-3 and Section 31-4, the provisions

of Article 31 (Development Review Requirements) apply to any Proposed Project located on Tidelands subject to Chapter 91, or within a Waterfront Subdistrict, if the Proposed Project proposes:

- (a) to erect a building or structure having a gross floor area of ten thousand (10,000) or more square feet;
- (b) to enlarge or erect a building or a structure so as to increase its gross floor area by ten thousand (10,000) or more square feet;
- (c) to establish or change the uses of fifty thousand (50,000) or more square feet of gross floor area; or
- (d) to construct, demolish, or alter any Pier, or to alter any shoreline, which construction, demolition, or alteration affects one thousand (1,000) or more square feet of Lot Area;

provided that a Proposed Project for an allowed maritime-dependent industrial use located within a Maritime Economy Reserve ("MER") Subdistrict and subject to review by the Secretary of the Executive Office of Environmental Affairs of the Commonwealth of Massachusetts under the Massachusetts Environmental Protection Act ("MEPA") and its implementing regulations shall not be subject to the requirements of Article 31.

1. Scope of Review. The scope of review of a Proposed Project subject to this Section 53-20 shall be as set forth in Section 31-5, modified as set forth below:

(a) Only Proposed Projects with a gross floor area of fifty thousand (50,000) or more square feet shall be subject to the Transportation Component provisions of Section 31-6.

(b) Notwithstanding any contrary provision of Sections 31-5 through 31-10, review and analysis of a Proposed Project pursuant to this Section 53-20 shall include review and analysis of those additional matters identified in Subsection 2 (Urban Design Guidelines), Subsection 3 (Enhancement of Pedestrian Environment), and Subsection 4 (Tidelands Component) of this Section 53-20, and appropriate design and mitigation measures may be required by the Boston Redevelopment Authority in connection therewith.

2. Urban Design Guidelines. Review and analysis of a Proposed Project pursuant to Section 31-8, Urban Design Component, shall include review and analysis of such Proposed Project in accordance with the urban design guidelines set forth in this Subsection 2 of Section 53-20. The issuance of an Adequacy Determination by the Boston Redevelopment Authority approving the Applicant's Final Project Impact Report pursuant to Subsection 31-5.6 shall constitute the Boston Redevelopment Authority's

determination of compliance with this Subsection 2 of Section 53-20, subject to any conditions as may expressly be set forth in said Adequacy Determination.

- (a) New development and rehabilitation shall reinforce the traditional pattern, height, and massing of the urban waterfront.
- (b) Buildings and spaces shall direct views and pedestrian movements towards the water.
- (c) Buildings on Piers shall be sited so as to reinforce the geometry of the Pier, and buildings near the water's edge shall not be massed so as to create a continuous wall along the water's edge.
- (d) Inland buildings shall reinforce the City's street pattern and avoid continuous walls parallel to the water's edge by maintaining view and access corridors, especially at cross-streets.
- (e) Buildings shall be sited to provide view and access corridors towards the open water and to preserve views from Public Access Facilities and Open Space areas at the Ends of Piers.
- (f) Building elements on a site shall step down in height towards the water's edge.

- (g) Open areas and buildings at or near the Ends of Piers shall offer opportunities for public views of the water and public amenities that attract the public to the water's edge.
- (h) Building massing shall enhance the air flow channels created by sea breezes that are beneficial to air quality in the City.
- (i) Open spaces, building entrances, shopfronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements shall be designed to enhance pedestrian activity, access to, and enjoyment of the waterfront. Blank walls, without windows or entrances facing onto pedestrian areas, shall be avoided to the extent practicable in building designs.
- (j) Facade treatment, building materials, and design details shall complement the traditional character of Boston's historic waterfront development patterns.
- (k) Setbacks, corner treatments, and other design details shall be used to minimize the sense of bulk of structures. Ornamental and decorative elements appropriate to the urban and historical waterfront context are encouraged.

(l) Roofs of buildings shall be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy.

(m) In addition to the foregoing, design features of a Proposed Project shall take into consideration the characteristics of the site and its location in the East Boston Neighborhood District and provide opportunities for special amenities, such as panoramic views of the Harbor, and shall enhance and reinforce any historic qualities of existing structures.

3. Enhancement of Pedestrian Environment. Review and analysis of a Proposed Project, pursuant to Section 31-8, Urban Design Component, shall also include review and analysis of the extent to which the Proposed Project promotes and enhances the quality of the pedestrian environment, by means such as: (a) pedestrian pathways connecting to the waterfront and, where appropriate, linking the waterfront and mass transit stations; (b) spaces accommodating pedestrian activities and public art; (c) use of materials, landscaping, public art, lighting, and furniture that enhance the pedestrian and waterfront environment; (d) pedestrian systems that encourage more trips on foot to replace vehicular trips; (e) other attributes that improve the pedestrian environment and pedestrian access to the

waterfront and Boston Harbor; and (f) appropriate management and maintenance of pedestrian access within the Proposed Project.

4. Tidelands Component. The Boston Redevelopment Authority shall require in its Scoping Determination issued pursuant to Section 31-5 an additional development review component to be known as the "Tidelands Component." The Boston Redevelopment Authority shall require the Applicant to include in the Draft Project Impact Report, submitted for the Proposed Project pursuant to Section 31-5.3, an analysis of the Proposed Project together with such plans, drawings and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project complies with the standards and requirements set forth in Section 53-14 (Chapter 91 Tidelands Requirements).

SECTION 53-21. Environmental Protection and Safety Standards. Any Proposed Project located in a Waterfront Subdistrict, or in any other subdistrict on Tidelands subject to Chapter 91, shall conform to the environmental protection and safety standards established in this Section 53-21, to the extent economically practicable, as determined in development review pursuant to Section 53-20.

1. Trash Disposal Standards. Any such Proposed Project with a gross floor area of fifty thousand (50,000) or more square feet shall include a trash compactor in an interior location for garbage and trash disposal, and shall provide for the maintenance and cleanliness of such compactor.

2. Area for Recyclable Materials. Any such Proposed Project with a gross floor area of fifty thousand (50,000) or more square feet shall include an interior area for the separation, temporary storage, and collection of recyclable materials. Such area shall be located in the vicinity of any off-street loading facility.

3. Provision of Safety Ladders. Any such Proposed Project, if adjacent to the water, shall provide a safety ladder or ladders extending from the water to an accessible area above the high water mark such that there shall be one safety ladder located approximately every one hundred (100) feet along those portions of the waterfront occupied by seawalls, piers, wharves, or other structures otherwise inaccessible to a person in the water. The foregoing notwithstanding, a safety ladder shall not be required in a location that would unreasonably interfere with docking facilities or other Water Dependent Use, provided that safety ladders are placed at intervals most closely approximating one hundred (100) feet and not so interfering.

REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

SECTION 53-22. **Establishment of Local Industrial Subdistricts.** This

Section 53-22 establishes a Local Industrial Subdistrict within the East Boston Neighborhood District. The purpose of the Local Industrial Subdistrict is to encourage the preservation of existing local manufacturing and industrial uses in a manner which is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the East Boston Neighborhood District.

The following Local Industrial Subdistrict is established:

1. Eagle Hill Local Industrial Subdistrict.

SECTION 53-23. **Use Regulations Applicable in Local Industrial**

Subdistricts. Within a Local Industrial Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the Local Industrial Subdistricts.

SECTION 53-24. **Dimensional Regulations Applicable in Local Industrial**

Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Local Industrial

Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table J of this Article.

SECTION 53-25. Additional Regulations Applicable in Local Industrial Subdistricts. Within a Local Industrial Subdistrict, sign regulations, as set forth in Section 53-58; screening and buffering requirements as set forth in Section 53-57; development review as set forth in Section 53-53; design review as set forth in Section 53-54; and Performance Standards as defined in Article 2A may be applicable.

REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

SECTION 53-26. **Establishment of Economic Development Areas.** This

Section 53-26 establishes Economic Development Areas ("EDAs") within the East Boston Neighborhood District. The purposes of establishing the EDAs are to encourage economic growth, including light manufacturing and commercial activity, in a manner which is sensitive to the needs and interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood; and to encourage the diversification and expansion of Boston's and East Boston's economy, with special emphasis on the creation and retention of job opportunities.

The following EDAs are established:

1. McClellan Highway EDA. The McClellan Highway EDA is intended as a focal point for environmentally sound economic growth and development of retail, office, research and development, and light industrial and manufacturing uses which benefit from the area's close proximity to the City, the international airport, and major highway access.
2. Saratoga Street EDA. The Saratoga Street EDA is located between the Orient Heights MBTA Station and the Suffolk Downs MBTA Station and borders the MDC's Belle Isle Marsh Reservation and Saratoga Street. The purpose of this EDA is to foster research and development activities and office uses. The proximity of the Belle Isle Marsh Reservation and the two MBTA stations offers opportunities to benefit economic activities and

adjacent residential uses by improving the area's access to open space and transportation.

3. Suffolk Downs EDA. The Suffolk Downs EDA is located between McClellan Highway, Bennington Street, Waldemar Avenue, and the City of Revere boundary. The purpose of this EDA is to encourage sound development and growth which will expand the City's economic base and afford broad employment opportunities.

SECTION 53-27. Use Regulations Applicable in EDAs. Within the EDAs, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the EDAs.

SECTION 53-28. Dimensional Regulations Applicable in EDAs. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard and Usable Open Space for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table K of this Article.

SECTION 53-29. **Additional Regulations Applicable in Economic**

Development Areas. Within Economic Development Areas, sign regulations as set forth in Section 53-58; screening and buffering regulations as set forth in Section 53-57; design review as set forth in Section 53-54; development review as set forth in Section 53-53; and Performance Standards as defined in Article 2A may be applicable.

REGULATIONS APPLICABLE IN CONSERVATION PROTECTION SUBDISTRICTS

SECTION 53-30. **Establishment of Conservation Protection Subdistricts.**

This Section 53-30 establishes a Conservation Protection ("CP") Subdistrict in the East Boston Neighborhood District. The Conservation Protection Subdistrict is established to promote the most desirable use of land and siting of development in areas with special natural or scenic features in accordance with a well considered plan, and to protect and enhance the natural and scenic resources of East Boston.

The following Conservation Protection Subdistrict is established:

1. Orient Heights Conservation Protection Subdistrict

SECTION 53-31. Use Regulations Applicable in Conservation Protection Subdistricts. Within the Conservation Protection Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden for the Conservation Protection Subdistrict.

SECTION 53-32. Dimensional Regulations Applicable in Conservation Protection Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a

Conservation Protection Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table H of this Article.

SECTION 53-33. Site Plan Review and Approval Regulations. In order to assure that any significant new development within a Conservation Protection Subdistrict occurs in a manner that is protective of the special natural and scenic features of these subdistricts in accordance with a plan considering the most desirable land uses for such areas, the following site plan approval regulations apply. The Commissioner of the Department of Inspectional Services shall not issue a building permit for any Proposed Project subject to the provisions of this Section 53-33, unless the Director of the Boston Redevelopment Authority has issued a certificate of compliance with this Section.

1. Applicability of Site Plan Review Requirements. Any Proposed Project within a Conservation Protection Subdistrict shall be subject to the site plan review requirements of this Section 53-33, unless such Proposed Project, together with Previous Projects, as hereinafter defined, does not, within the Conservation Protection Subdistrict, add more than five thousand (5,000) square feet of gross floor area or add more than five thousand (5,000) square feet of impervious surface, or involve regrading or recontouring of land with the addition, removal or relocation of one hundred (100) or more cubic yards of earth. For the purposes of this Section 53-33, "Previous Project" means any project which has been substantially completed within the three-year period ending on the date of submission of the building

permit application for such Proposed Project or which, as of such date, was under construction or was the subject of a pending building permit application.

2. Procedure for Approval of Proposed Project. Each application for a permit for a Proposed Project subject to the provisions of this Section 53-33 shall include a Site Plan Review Application, containing the information required by Subsection 4 of this Section 53-33, and shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copies as follows: one to the Boston Redevelopment Authority and the other to the Boston Environment Department. The Boston Environment Department may, within forty-five (45) days after the date of such transmittal, file with the Boston Redevelopment Authority a report with recommendations, together with additional material, maps, or plans to aid the Boston Redevelopment Authority in determining consistency with the standards for approval set forth in Subsection 5 of this Section 53-33. The Boston Redevelopment Authority shall not notify the Inspectional Services Department of its findings on the application for a Proposed Project until such report with recommendations has been received and considered, provided that if no such report is received within said forty-five (45) days, the Boston Redevelopment Authority may certify to the Inspectional Services Department its findings without such report. The Boston Redevelopment

Authority may find that the Proposed Project is consistent with the standards set forth in Subsection 5 or is not consistent with those standards; provided that if no such findings are transmitted to the Inspectional Services Department within sixty (60) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the standards set forth in Subsection 5 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 53-33 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Relationship to Article 31. When a Proposed Project is subject to the provisions of this Section 53-33 and also is subject to the provisions of Article 31, the site plan review required by this Section 53-33 may, at the election of the applicant, be conducted as part of the development review required by Article 31. In such case, the Project Notification Form submitted to the Boston Redevelopment Authority pursuant to Section 31-5.1 shall include a summary of each of the elements of the Site Plan Review Application, as described in Subsection 4 of this Section 53-33. The required scope of the Site Plan Review Application shall be addressed in the Scoping Determination issued pursuant to Section 31-5.2, and site plan review shall occur in the context of Article 31

as though the substantive submission and review requirements of this Section 53-33 were set forth as one of the development review components described in Section 31-5.2. The timing and procedure for review shall be as set forth in Article 31, rather than as set forth in Subsection 2 of this Section 53-33, except that the Boston Redevelopment Authority shall transmit a copy of each development review submission received for such Proposed Project to the Boston Environment Department and consider all comments received within the comment periods required by Subsection 2 of this Section 53-33. An Adequacy Determination for such Proposed Project pursuant to Section 31-5.6 shall not be issued unless the review standards of Subsection 5 of this Section 53-33 have been satisfied.

4. Content of Site Plan Review Application. A Site Plan Review Application shall consist of the following:
 - (a) A survey map prepared by a registered surveyor showing topography at two foot intervals, the location, caliper and species of individual trees of 6-inch caliper or more, the location of other significant natural features on the site, including water courses, water bodies, wetlands, unusual gradients and geologic formations, plant communities and wildlife habitats. Such survey plan shall also show existing structures, parking areas, driveways and other paved surfaces, and utility lines.

- (b) Photographs showing the location and condition of significant natural features.
- (c) A proposed site plan showing the Proposed Project and the anticipated location of other planned projects of the Applicant within the CPS, together with planned grading and landscaping, streets, sidewalks, utilities, and other planned features of the site. Such site plan shall also show the extent to which significant natural features of the site will be preserved and protected.
- (d) A drainage plan and soil report prepared by a registered engineer, when necessary, to assess the drainage impacts of the proposed site plan on significant natural features.
- (e) A proposed maintenance plan for the significant natural features of the site, including a statement of whose responsibility it will be for the performance of the program.
- (f) Any other information relating to the site plan of the Proposed Project and the preservation and protection of its significant natural features as requested by the Boston Redevelopment Authority.

The Boston Redevelopment Authority may waive one or more requirements set forth in the preceding subparagraphs (a) through (f) upon the written request of the Applicant if the Boston Redevelopment Authority determines that such requirements are unnecessary for evaluation purposes.

5. Standards for Site Plan Approval. This Subsection 5 establishes standards to be applied in review of a site plan for a Proposed Project subject to the provisions of this Section 53-33.

- (a) The Proposed Project should result in the minimum practicable interference with significant natural features within a CPS consistent with development permitted by applicable use and dimensional controls. To the extent thus consistent,
 - (i) elements of the Proposed Project should be sited away from the most significant natural features of the site; and
 - (ii) where it is necessary to disturb or reduce in area a significant wildlife habitat or plant community, reasonable restorative measures, or the replacement of such features elsewhere on the site should be evaluated and undertaken if economically practicable. The preservation of existing vegetation, is encouraged.

- (b) Clustering of buildings and appropriate siting measures are encouraged to allow for the creation of larger contiguous open space areas and the preservation of significant natural features.
- (c) For a steep slope, special consideration should be given to the preservation of scenic quality and to the prevention of hillside erosion and excessive runoff. Particular care should be taken where the steep slope area is part of the watershed of a creek, stream, brook, lake, pond or wetland. Existing vegetation in steep areas should not be removed, destroyed or damaged except pursuant to approved development and grading plans. An objective of such plans shall be to preserve the natural terrain and vegetation to the extent practicable by fitting street layouts and building designs to the natural terrain, and minimizing alterations to the natural grade.
- (d) Adequate provision should be made for proper management and maintenance of significant natural features and their immediate surroundings.
- (e) Site plan review shall take full account of reasonably foreseeable future development within the CPS. To discourage the improper segmentation of Proposed Projects, a criterion for the review of a site plan shall be its consistency with any previously approved site plan

within the CPS of the applicant or any predecessor in interest of the applicant.

REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

SECTION 53-34. **Establishment of Community Facilities Subdistricts.** This

Section 53-34 establishes Community Facilities Subdistricts within the East Boston Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the East Boston Neighborhood District that provide health, educational, and cultural services to the community and are an important part of the institutional fabric of the East Boston community. The following Community Facilities Subdistrict is established:

1. East Boston High School CF Subdistrict

SECTION 53-35. Use Regulations Applicable in Community Facilities Subdistricts. Within the Community Facilities Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden in the Community Facilities Subdistricts.

SECTION 53-36. Dimensional Regulations Applicable in Community Facilities Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a

Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table I of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 53-37. **Establishment of Open Space Subdistricts.** This

Section 53-37 establishes Open Space Subdistricts in the East Boston Neighborhood District as indicated on Table 2, below. The purpose of the Open Space Subdistricts is to enhance the quality of life for East Boston's residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation, Article 33 (Open Space Subdistricts).

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistricts. Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas; such land may include

Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.

4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
5. Shoreland Open Space (OS-SL) Subdistricts. Shoreland Open Space subdistricts shall consist of land appropriate for and limited to that which borders on tidewater or the ocean, including land over which the tide ebbs and flows, or any bank, marsh, beach, dune, swamp, salt meadow, tidal flat, or other low land subject to tidal action or coastal storm flowage, and are subject to the provisions of Section 33-11.
6. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses, and are subject to the provisions of Section 33-15.
7. Urban Wild Open Space (OS-UW) Subdistricts. Urban Wild Open Space Subdistricts shall consist of land not in the City's park system which includes such features as undeveloped hills, rock outcroppings, quarries,

woodlands, meadows, scenic views, inland waters, freshwater wetlands, flood plains, wildlife habitat, or any estuary, creek, river, stream, pond, or lakes are subject to the provisions of Section 33-12.

8. Waterfront Access Area Open Space (OS-WA) Subdistrict. Waterfront Access Area Open Space Subdistricts shall consist of land that abuts or lies under the waters of the Commonwealth within the jurisdiction of the City, and are subject to the provisions of Section 33-13. Notwithstanding any contrary provision of Section 33-13, such land within the East Boston Neighborhood District may be used for the operation of a lobster facility in accordance with Chapter 349 of the Acts of 1986, as amended.

TABLE 2

**Open Space Subdistricts in the East Boston
Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Open Space Subdistricts:	
Cemetery	Bennington Street Cemetery Ohabei Shalome Cemetery
Community Garden	Marginal Street Community Garden
Parkland	Brophy Park Golden Stairs Terrace London and Decater Streets Decater and Meridian Streets Prescott Square Putnam Square

Recreation

North Ferry Park
Joe Porzio Park
Lamson Street Playground
Noyes Park
American Legion Field
East Boston Memorial Stadium
Paris Street Playground
McLean Playground
Saratoga Street Playground

Shoreland

Orient Heights Beach (Constitution Beach)

Urban Plaza

Maverick Square
Central Square

Urban Wild

The Rockies
Belle Isle Marsh
Condor Street Crescent
Eagle Hill Park

Waterfront Access Area

Harborside Park

REGULATIONS APPLICABLE IN CORRIDOR ENHANCEMENT SUBDISTRICT

SECTION 53-38. **Establishment of Corridor Enhancement Subdistrict.** This Section 53-38 establishes a Corridor Enhancement ("CE") Subdistrict in the East Boston Neighborhood District. The Corridor Enhancement Subdistrict is established along the north-south spine of East Boston, a land corridor that has the potential to serve as a buffer area separating residential areas from industrial and commercial areas and as a corridor connecting residential neighborhoods to open space areas and the waterfront in the East Boston Neighborhood District. The purpose of the Corridor Enhancement Subdistrict is to promote the siting and design of any new development in a manner that is sensitive to the adjacent residential and open space areas.

The following Corridor Enhancement Subdistrict is established:

1. Central Corridor CE Subdistrict.

SECTION 53-39. **Use Regulations Applicable in Corridor Enhancement Subdistrict.** Within the Corridor Enhancement Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table D of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table D is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table D for the proposed location of such use is forbidden in such location. Any use not included in Table D is forbidden for the Corridor Enhancement Subdistrict.

SECTION 53-40. Dimensional Regulations Applicable in Corridor

Enhancement Subdistrict. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in the Corridor Enhancement Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table I of this Article.

SECTION 53-41. Additional Regulations Applicable in Corridor

Enhancement Subdistrict. Within the Corridor Enhancement Subdistrict, development review as set forth in Section 53-53; design review as set forth in Section 53-54; screening and buffering requirements as set forth in Section 53-57; sign regulations as set forth in Section 53-58; and Performance Standards as defined in Article 2A may be applicable.

REGULATIONS APPLICABLE IN THE LOGAN INTERNATIONAL
AIRPORT SUBDISTRICT

SECTION 53-42. Establishment of Logan International Airport Subdistrict.

This Section 53-42 establishes the Logan International Airport Subdistrict within the East Boston Neighborhood District. The purpose of this Subdistrict is to accommodate those uses necessary to the operation of an international airport while ensuring that such uses do not impose adverse impacts on traffic and parking in the residential, commercial, and waterfront areas of the East Boston Neighborhood District. The Logan International Airport ("LIA") Subdistrict is located as designated on Map 3 "East Boston Neighborhood District."

SECTION 53-43. Use Regulations Applicable in the Logan International Airport Subdistrict. Within the Logan International Airport Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table E of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table E is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table E for the proposed location of such use if forbidden in such location. Any use not included in Table E is forbidden in the Logan International Airport Subdistrict.

SECTION 53-44. Dimensional Regulations Applicable in the Logan International Airport Subdistrict. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any

Lot in the Logan International Airport Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table E of this Article.

SECTION 53-44A. Screening and Buffering Requirements Applicable in Logan International Airport Subdistrict. In order to ensure that airport uses are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 53-44A shall apply to all Proposed Projects for an airport use, except where provisions for adequate screening and buffering have been established for such Proposed Project through Article 31 development review, pursuant to Section 53-53 or by election, or where a screening and buffering plan for such Proposed Project has been submitted to the Boston Redevelopment Authority for approval. The provisions of Article 6A shall apply to the provisions of this Section 53-44A.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. Where any Lot line of a Proposed Project abuts (a) a public street, (b) a public park, or (c) another subdistrict, other than an Economic Development Area, Waterfront Manufacturing Subdistrict, or Waterfront Service Subdistrict, the portion of such Lot located within twenty-five (25) feet of such Lot line shall be devoted to open space, and such Proposed Project shall provide and maintain, within such open space, a strip of shrubs and trees of sufficient thickness and height to provide an appropriate noise buffer and visual screen, together with a fence or wall of appropriate size and materials to protect passersby and surrounding property from the airport use.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, and the selection of species shall be designed to provide adequate screening and buffering throughout all seasons. Landscaping required by this Section 53-44A shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 53-44A.

REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

SECTION 53-45. **Establishment of Neighborhood Design Overlay Districts.**

This Section 53-45 establishes Neighborhood Design Overlay Districts as overlays to certain Subdistricts within the East Boston Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentration of historic buildings within the Neighborhood Design Overlay Districts.

Design review regulations applicable within the Neighborhood Design Overlay Districts are set forth in Section 53-54. All use, dimensional and other provisions applicable to the underlying Subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay Districts are established:

1. Belmont Square Neighborhood Design Overlay District. This district includes the largest concentration of intact historic buildings in the Belmont Square area and some of the first lots sold by the East Boston Company. Developed largely between 1840 and 1890, Belmont Square includes several architecturally notable examples of the Greek Revival style dating from the 1840s. The district also includes a number of ca. 1880 mansard double houses in the Victorian Gothic mode. The Romanesque Revival Our Lady of the Assumption Catholic church (1869-1873) is the primary institutional building in the district.

2. Gove Street Neighborhood Design Overlay District. This self-contained residential district, comprising the largest concentration of brick residential buildings in East Boston, reflects the neighborhood's major population growth in the early 20th century. Encompassing roughly six blocks of three- and four-story brick apartment buildings, some with ground floor commercial space, the district is striking in its uniformity of design and scale. Beginning in 1905, many of the buildings in the district were constructed on speculation and designed in the Classical Revival style, with concrete or stone trim, arched doorways, and elaborate pressed metal cornices.
3. Putnam Square Neighborhood Design Overlay District. The Putnam Square Neighborhood Design Overlay District contains a significant concentration of architectural styles ranging from Greek Revival to Colonial Revival. The district, centered on Putnam Square, illustrates the major periods of growth in the Eagle Hill neighborhood.
4. St. Andrew and Bayswater Neighborhood Design Overlay District. This three block district along St. Andrew Street is characterized by one and two-family houses constructed in the early 20th century in the Colonial Revival style. The district exhibits high degree of architectural integrity and unity of scale.

SECTION 53-46. **Establishment of Special Study Overlay Areas.** This Section 53-46 establishes Special Study Overlay Areas within the East Boston Neighborhood District. The purpose of the Special Study Overlay Areas is to identify those areas where further comprehensive planning studies may be appropriate. Such studies may be appropriate in areas that at present are largely vacant or underutilized or that are principally devoted to a single large use, because such areas lack established patterns for coordinating a mix of land uses and for integrating streets, buildings, and open space. As planning studies are undertaken, further land use regulations may be proposed to implement their recommendations.

The following Special Study Overlay Areas are established:

1. Bremen Street/Orleans Street Rail Alignment Corridor. This Special Study Overlay Area overlays the Corridor Enhancement Subdistrict established in Section 53-38. This area is occupied principally by railway lines in partial use.
2. Central Square/Old Boston East. This Special Study Overlay Area overlays the Central Square Community Commercial Subdistrict established in Section 53-10 and the Central Square Waterfront Commercial Subdistrict established in Section 53-15. This area, located on the waterfront, is largely vacant and underutilized.

3. Suffolk Downs. This Special Study Overlay Area overlays the Suffolk Downs Economic Development Area established in Section 53-26, and includes the site of the Suffolk Downs Racetrack.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

SECTION 53-47. **Establishment of Areas Within Which Planned**

Development Areas May be Permitted. Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within Conservation Protection Subdistricts, Economic Development Areas, and Corridor Enhancement Subdistricts. PDAs are not permitted elsewhere in the East Boston Neighborhood District.

The purposes for establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the East Boston community, including the creation of new job opportunities and affordable housing; to allow for the diversification and expansion of Boston's and East Boston's economy through manufacturing, commercial and scientific research and development uses; to protect the significant open space and significant natural features of areas in a Conservation Protection Subdistrict; to encourage economic development in the Economic Development Areas while ensuring public benefits and quality urban design by providing planning and design controls; to encourage economic development, and commercial, manufacturing and industrial expansion; and to allow for the creation of affordable housing.

SECTION 53-48. **Planned Development Areas: Use and Dimensional**

Regulations.

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of

the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.

2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 3, below:

TABLE 3

**East Boston Neighborhood District
Planned Development Areas
Dimensional Regulations**

<u>Area</u>	<u>Maximum</u>	
	<u>Building Height</u>	<u>FAR</u>
McClellan Highway EDA	55*	2
Saratoga Street EDA	35	2
Suffolk Downs EDA	55*	2

SECTION 53-49. Planned Development Areas: Approval Process. This Section 53-49 establishes a process for approving Proposed Projects within Planned Development Areas.

* Maximum Building Height within 250 feet of Street or Subdistrict boundary.

1. Development Plan Approval Process. To establish a PDA, the Applicant must submit a Development Plan for the Proposed Project to the Boston Redevelopment Authority for its approval in accordance with Section 3-1A.a. A Proposed Project within a PDA may be located on multiple contiguous parcels or lots, whether or not any portion of the Proposed Project on a particular parcel or Lot satisfies the provisions of this Article and Code, so long as a Proposed Project as a whole is consistent with the provisions of this Article and Code, including without limitation those relating to maximum Building Height and Floor Area Ratio.
2. Boston Redevelopment Authority Review. No later than sixty (60) days after the Applicant files a Development Plan, the Boston Redevelopment Authority shall approve the Development Plan, and authorize its Director to petition the Zoning Commission to approve the Development Plan and to designate the area of the Proposed Project as a PDA, or shall conditionally approve the Development Plan, or shall disapprove the Development Plan.
3. Community Participation. The Applicant shall provide the Boston Redevelopment Authority with a sufficient number of copies (up to fifty (50)) of the application for Development Plan approval to allow for distribution to interested parties. After receiving such application, the Boston Redevelopment Authority shall retain one copy of such application for its files and shall transmit copies to appropriate City departments and

agencies and to community and neighborhood organizations in the East Boston Neighborhood District that have requested such materials. Within five (5) days after the Boston Redevelopment Authority has received such application, the Boston Redevelopment Authority shall publish notice of such submission in one or more newspapers of general circulation in the City, such notice to state the name of the applicant and identify the Development Plan area, and shall make copies of such application available generally to the public. Before it renders a decision on an application for Development Plan approval, the Boston Redevelopment Authority shall review timely comments and recommendations from the general public, neighborhood and community organizations in the East Boston Neighborhood District, and public agencies concerning the Development Plan's compliance with the approval standards set forth in Section 53-51 (which address Development Plan impacts). The BRA shall work toward resolution of issues raised in the public review process.

4. Zoning Commission Approval Only; No Board of Appeal Action Required.

Upon approval of the Development Plan by the Boston Redevelopment Authority, the Boston Redevelopment Authority shall transmit the Development Plan to the Zoning Commission for its consideration. The Zoning Commission may approve the Development Plan and establish a PDA if such PDA consists solely of land with respect to which an agreement has been or subsequently is entered into with the Boston

Redevelopment Authority establishing use and dimensional controls as specified in the Development Plan. The Proposed Project, and the parcels or Lots and improvements thereon, which are the subject of the Development Plan shall be deemed to be in compliance with the provisions of this Article and Code, so long as the same are consistent with the provisions of the approved Development Plan and the other applicable provisions of this Article and Code. Nothing in this Article shall be construed to limit the power of the Board of Appeal to grant Zoning Relief for Proposed Projects in PDAs, except that exceptions from the Building Height and FAR provisions set forth in Section 53-48 are not permitted.

5. Amendment of Development Plan. In a PDA, no Proposed Project shall proceed unless the Boston Redevelopment Authority has certified to the Commissioner of Inspectional Services that the Proposed Project is consistent with the approved Development Plan, as amended from time to time, for such PDA or the portion thereof to which said work relates. The procedure for amendment of the Development Plan is the same procedure as the procedure for initial approval of a Development Plan, as set forth in Section 3-1A.a and in Subsection 1 of this Section 53-49.

SECTION 53-50. Applicability of Future Amendments. The issuance of any permit for the development or construction of any portion of a Proposed Project proceeding in accordance with an approved Development Plan, as amended from time

to time, shall be deemed to be the issuance of a permit for the entire Proposed Project for the purpose of applying Section 5 of Chapter 665 of the Acts of 1956 as amended from time to time. Without limiting the foregoing sentence, the provision of Section 5 of said Chapter 665 that requires that construction work under the permit proceed continuously to completion shall be deemed satisfied so long as construction on the Proposed Project proceeds generally in accordance with a development schedule set forth in the approved Development Plan.

SECTION 53-51. Planned Development Areas: Standards for Development Plan Approval. Before transmittal to the Zoning Commission, a Development Plan shall have been approved by the Boston Redevelopment Authority after a public hearing; provided, however, that no Development Plan shall be approved unless the Boston Redevelopment Authority finds that: (a) such Development Plan complies with the provisions of Sections 53-47 through Section 53-52 (Regulations Applicable in Planned Development Areas); (b) such Development Plan conforms to the East Boston Neighborhood Plan and the general plan for the City as a whole; (c) each Proposed Project described in the Development Plan is in compliance with the Building Height and FAR limits set forth in Section 53-48; and (d) on balance, nothing in such Development Plan will be injurious to the East Boston neighborhood or otherwise detrimental to the public welfare, weighing all the benefits and burdens.

SECTION 53-52. Planned Development Areas: Public Benefits. The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as

meeting the provisions of Section 53-51 if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to East Boston and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections to the waterfront, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.

REGULATIONS GOVERNING DEVELOPMENT AND DESIGN REVIEW

SECTION 53-53. **Applicability of Article 31 Development Review.** In order to ensure that growth in the East Boston Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

1. Large Projects. Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a gross floor area of fifty thousand (50,000) or more square feet; (b) enlarge a Building or Structure so as to increase its gross floor area by fifty thousand (50,000) or more square feet; or (c) establish or change the uses of a gross floor area of fifty thousand (50,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a gross floor area of fifty thousand (50,000) or more square feet.
2. Certain Projects for Residential Uses. If a Proposed Project, not otherwise subject to the provisions of Article 31, pursuant to Subsection 1 of this Section 53-53 or by election, includes (i) the construction of fifteen (15) or more Dwelling Units, or (ii) the rehabilitation or alteration of Buildings or Structures so as to result in a net increase of fifteen (15) or more Dwelling

Units, such Proposed Project shall comply with the Transportation Access Plan requirements of Section 31-6.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 53-53 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 53-53.

SECTION 53-54. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 53-54 shall apply only to those Proposed Projects specified in this Section 53-54 that are not otherwise subject to Article 31 development review, pursuant to Subsection 1 of Section 53-53 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

- (a) Projects Adding 20,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate gross floor area of twenty thousand (20,000) or more gross square feet;
- (b) Certain Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including

rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units);

- (c) Certain Projects in Neighborhood Business Subdistricts, Neighborhood Design Overlay Districts and Residential Enhancement Subdistricts. Within the Neighborhood Business Subdistricts, Neighborhood Design Overlay Districts, and Corridor Enhancement Subdistricts, any Proposed Project for the erection or extension of a Building with a gross floor area of three hundred (300) or more square feet, or for an exterior alteration affecting three hundred (300) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space;
- (d) Certain Exterior Alterations in Neighborhood Design Overlay Districts. Within the Neighborhood Design Overlay Districts, any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing Building; and

The provisions of this Section 53-54 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design

review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 53-54 unless the Director of the Boston Redevelopment Authority certifies that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

2. Procedure for Design Approval. Each application for a permit for a Proposed Project which is subject to design review by the Boston Redevelopment Authority pursuant to this Section 53-54, shall be filed in duplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other copy to the Boston Redevelopment Authority. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Subsection 3 of this Section 53-54 or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the application for a Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Subsection 3 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 53-54 may appeal to the Board of

Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Design Guidelines. The following design guidelines shall be considered by the Boston Redevelopment Authority in reviewing any Proposed Project that is subject to design review under this Section 53-54.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to a site should provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
 - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character

of the surrounding residential structures. The removal or alteration of any historic architectural feature should be held to a minimum.

- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Accordingly, an adequate landscaped buffer should be located along the frontage between the sidewalk edge and the Street Wall. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.

- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of the buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows, facing onto pedestrian areas, should be avoided to the extent practicable in building designs.

- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy.
- (o) A zone for signs on the building facade should be established, clearly defined by a change in facade color and/or materials or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that

bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.

- (p) Landscaping and screening should be used to make the Neighborhood Business and Local Industrial subdistricts more attractive and to provide screening between business, industrial, and residential uses.
- (q) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.

SECTION 53-55. **Roof Structure Restrictions.** No roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing residential Building, or on the roof of a Building not in residential use but originally built as a residential Building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor. In reaching its decision, the Board of Appeal

shall consider whether such roof structure has the potential of damaging the uniformity of height or architectural character of the immediate vicinity.

An open roof deck may be erected on the main roof of a Building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum Building Height allowed by this Article for the location of the Building; and (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, two (2) feet for each foot of height of such appurtenant structure, from a roof edge that faces a Street more than twenty (20) feet wide.

SECTION 53-56. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, all Proposed Projects within those subdistricts specified in this Section 53-56 shall comply with the following design requirements, except where Article 31 development review, or design review pursuant to Section 53-54, has addressed the design requirements for such aspects of the Proposed Project. The provisions of Article 6A shall be applicable to the provisions of this Section 53-56.

1. Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Subsection 1 of

Section 53-56 shall apply within the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Subsection 1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 53-54, the Proposed Project shall be deemed to be subject to the design review provisions of Section 53-54 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Subsection 1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows

may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

2. Display Window Area Regulations in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Subsection 2 of Section 53-56 shall apply in the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Subsection 2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.
 - (a) Display Window Area Transparency. That portion of the Display Window Area required by this Subsection 2(a) of Section 53-56 to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above

Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(iii) For Industrial Uses, and for Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an

area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use, as the case may be, conducted on the premises.

- (c) Display Window Security Grates. That portion of the Display Window Area required by Subsection 2(a) of this Section 53-56 to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

SECTION 53-57. Screening and Buffering Requirements. In order to enhance the appearance of East Boston's commercial and industrial subdistricts and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 53-57 shall apply to those Proposed Projects described in this Section 53-57, except where provisions for adequate screening and buffering have been established for a Proposed Project

through Article 31 development review, pursuant to Section 53-53 or by election. The provisions of Article 6A shall apply to the provisions of this Section 53-57.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict or a Waterfront Commercial Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict or a Waterfront Residential Subdistrict, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict, Economic Development Area, Corridor Enhancement Subdistrict, Waterfront Service Subdistrict, or Waterfront Manufacturing Subdistrict, abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Waterfront Residential Subdistrict, or (d) a Neighborhood Business Subdistrict or Waterfront Commercial Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, or subdistrict, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade.

Along a Lot line abutting a Residential Subdistrict, Waterfront Residential Subdistrict, Neighborhood Business Subdistrict, or Waterfront Commercial Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Waterfront Residential Subdistrict, or (d) a Neighborhood Business Subdistrict or Waterfront Commercial Subdistrict, shall be screened from view as provided in this Subsection 2 of Section 53-57. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be

necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Waterfront Residential Subdistrict, or (d) a Neighborhood Business Subdistrict or Waterfront Commercial Subdistrict, shall be screened from view as provided in this Subsection 3 of Section 53-57. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged

except on small areas not facing major public streets. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.

6. Specifications for Plantings. Shrubs required by this Section 53-57 may be of deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 53-57 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
7. Maintenance of Landscaped Areas. Landscaping required by this Section 53-57 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and

maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 53-57.

MISCELLANEOUS PROVISIONS

SECTION 53-58. **Sign Regulations.** In the East Boston Neighborhood District, there shall not be any Sign except as provided in Article 11, Section 53-54, and this Section 53-58.

1. Sign Regulations Applicable in Residential Subdistricts, Waterfront Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts. In all Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts. In all subdistricts other than Residential Subdistricts, Conservation Protection Subdistricts, and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 53-58. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through

(k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

- (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign which incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for
- (a) uses located in a Community Commercial Subdistrict, Local Industrial Subdistrict, or Economic Development Area, and
 - (b) Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of fifteen (15) square feet. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence on the effective date of this Article, is forbidden in the Neighborhood Business ("NB") Subdistricts, the Community Commercial Subdistrict, the Waterfront Commercial ("WC") Subdistricts, the Community Facilities ("CF") Subdistricts, the Waterfront Community Facilities ("WCF"), the Waterfront Service ("WS") Subdistricts, the Local Industrial ("LI") Subdistricts, the Waterfront Manufacturing ("WM") Subdistricts other than the Upper Chelsea Creek Waterfront Manufacturing Subdistrict, the Corridor Enhancement Subdistrict, and the Maritime Economy Reserve ("MER") Subdistricts.

- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, a canopy, or a marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 53-59. **Off-Street Parking and Loading.** For any Proposed Project that is subject to or has elected to comply with the provisions of Article 31, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street loading facilities are set forth in Table L.

Any off-street parking or loading facilities provided for any Proposed Project that is not subject to Article 31 development review shall meet the following specifications:

1. Design and Location

- (a) Parking and loading facilities shall have adequate maneuvering areas and appropriate means of vehicular access to a street, and shall be

so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic; and all lighting shall be so arranged as to shine downward and away from streets and residences.

(b) Parking and loading facilities, whether open or enclosed in a Structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom going upon any Street or another Lot.

(c) Off-street parking facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.

(d) Each car space and loading bay shall be located entirely on the Lot. Car spaces and loading bays shall not be located in any part of the Front Yards or landscaped areas required by this Article.

2. Maintenance. Parking and loading facilities shall be maintained exclusively for the parking of motor vehicles, or for loading and unloading purposes, as the case may be, so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 52-60. **Application of Dimensional Requirements.**

1. Exceptions to Minimum Lot Size Requirements. If the requirements of this Article with respect to Open Space and to Front, Rear, and Side Yards are met, the minimum Lot Size and minimum Lot Width requirements of this Article shall not prevent the construction, reconstruction, or alteration of a single family dwelling, two-family dwelling, or three-family dwelling on any Lot assessed as a separate parcel or in separate ownership of record (by plan or deed) at the time this Article takes effect; provided that three-fourths ($3/4$) of the minimum Lot Size and minimum Lot Width requirements are met and that such use is an allowed use in the subdistrict. This exception shall apply regardless of whether a Lot meets the Lot Size and Lot Width requirements for a lesser number of Dwelling Units than is proposed.
2. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
3. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering

with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

4. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
5. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 53-60. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.

6. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths ($3/4$) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line which is also a Street Line, than one-half ($1/2$) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
7. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half ($1-1/2$) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.

8. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.
9. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
10. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
11. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.

12. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.
13. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards, shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Subsection 13 of Section 53-60 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Subsection 13 were met.

14. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings or Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 53-61. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 53-62. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 53-63. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 53-64. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 53-65. **Tables.** The following tables are hereby made part of this

Article:

Tables A through L.

Appendix A - Water-Dependent Uses and Facilities of Public Accommodation.

APPENDIX A to ARTICLE 53

Water-Dependent Uses

Water-Dependent industrial uses;
Facilities for fishing, swimming, diving, and other water-based recreational activities;
Parks, esplanades, boardwalks, and other pedestrian facilities that promote public use and enjoyment of the water and are located at or near the water's edge;
Aquariums and other cultural, educational, research, or training facilities dedicated primarily to marine purposes;
Aquaculture facilities;
Navigation aids, marine police and fire stations, and other waterways public safety and law enforcement facilities;
Shore protection structures, such as seawalls, bulkheads, revetments, dikes, breakwaters, rip rap, water deflectors, and the like;
Waterborne passenger transportation facilities, such as those serving ferries, cruise ships, commuter and excursion boats, and water shuttles and taxis;
Marinas, boat basins, Boat Rental Establishments, boating or sailing school, channels, storage areas, and other facilities and establishments for commercial or recreational boating.

Facilities of Public Accommodation

A "Facility of Public Accommodation" means a facility, including a commercial facility, at which goods or services are made available directly to the general public. Facilities of Public Accommodation include, but are not limited to:

Lunch room, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio, and television;
Place for sale and consumption of food and beverages (other than drive-in restaurant) providing dancing or entertainment or both, provided that such establishment is customarily open to the public at large and does not exclude any minor by reason of age as a prevailing practice;
Theater;
Lobbies and public areas of a hotel or motel;
Library, museum, aquarium, educational, historical, or cultural institution open to the public;
Adult education center, community center, or other interior space dedicated to the programming of community meetings, informational displays, special recreational events, or other public activities;

Store primarily serving the local retail business needs of the residents of the neighborhood, including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliances, but not including packaged alcoholic beverages;

Department store, furniture store, general merchandise mart, or other store serving general retail business needs of a major part of the city, including accessory storage;

Barber shop, beauty shop, shoe repair shop, self-service laundry, pick-up and delivery station of laundry or dry-cleaner, or similar use;

Tailor shop or hand laundry;

Caterer's establishment, photographer's studio, upholsterer's shop, carpenter's shop, or electrician's shop;

Day care facility;

Sports or physical fitness facility open to the public; and

Interior facility for waterborne public transportation facilities, recreational marina, boat rental establishment, recreational sailing or boating school, or other recreational boating facility or establishment.

TABLE A

East Boston Neighborhood District Use Regulations in Residential Subdistricts

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Banking and Postal Uses</u>					
Automatic teller machine	F	F	F	F	F
Bank	F	F	F	F	F
Drive-in bank	F	F	F	F	F
Post office	F	F	F	F	F
<u>Community Uses</u>					
Adult education center	F	F	F	F	F ²
Community center	F	F	F	F	F ²
Day care center	C ³	C ³	C ³	C ³	C ^{2,3}
Day care center, elderly	C ³	C ³	C ³	C ³	C ^{2,3}
Library	F	F	C	A	A
Place of worship, monastery; convent; parish house	A	A	A	A	A
<u>Cultural Uses</u>					
Art gallery	F	F	F	F	C ^{2,3}
Art use	F	F	F	F	F ²

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Cultural Uses (cont'd)</u>					
Auditorium	F	F	F	F	F ²
Cinema	F	F	F	F	F ²
Concert hall	F	F	F	F	F ²
Museum	F	F	F	F	F ²
Public art, display space	F	F	F	F	F ²
Studios, arts	F	F	F	F	C ³
Studios, production	F	F	F	F	F
Theatre	F	F	F	F	F ²
Ticket sales	F	F	F	F	F ²
<u>Dormitory/Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	F
Fraternity	F	F	F	F	F
<u>Educational Uses</u>					
College or university	F	F	F	F	F
Elementary or secondary school ⁴	C	C	C	C	C
Kindergarten	C	C	C	C	C
Professional school	F	F	F	F	C
Trade school	F	F	F	F	C

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Entertainment and Recreational Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F	F ²
Amusement game machines in non-commercial establishment	F	F	F	F	F ²
Bar ⁵	F	F	F	F	F ²
Bar with live entertainment ⁵	F	F	F	F	F ²
Bowling alley	F	F	F	F	F ²
Billiard parlor	F	F	F	F	F ²
Dance hall	F	F	F	F	F ²
Drive-in theatre	F	F	F	F	F ²
Fitness center or gymnasium	F	F	F	F	F
Private club not serving alcohol	F	F	F	F	F ²
Private club serving alcohol	F	F	F	F	C ³
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	F	F	C ³
Restaurant with live entertainment, operating after 10:30 p.m. ⁵	F	F	F	F	F ²
					F ²
<u>Funerary Uses</u>					
Cemetery	C	C	C	C	C
Columbarium	C	C	C	C	C
Crematory	C	C	C	C	C
Funeral home	F	F	F	F	F
Mortuary chapel	C	C	C	C	C

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Health Care Uses</u>					
Clinic	F	F	F	F	C ³
Clinical laboratory	F	F	F	F	F
Custodial care facility	C	C	C	C	C
Group residence, general	C	C	C	C	C
Hospital	F	F	F	F	F
Nursing or convalescent home	C	C	C	A	A
<u>Hotel and Conference Center Uses</u>					
Bed and breakfast	C	C	C	C	C
Conference center	F	F	F	F	F
Executive suites	F	F	F	F	F
Hotel	F	F	F	F	F
Motel	F	F	F	F	F
<u>Industrial Uses</u>					
Artists' mixed-use	F	F	F	F	F
Cleaning plant	F	F	F	F	F
General manufacturing use	F	F	F	F	F
Light manufacturing use	F	F	F	F	F
Printing plant					
Restricted industrial use	F	F	F	F	F

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Office Uses</u>					
Agency or professional office	F	F	F	F	F
General office	F	F	F	F	F
Office of wholesale business	F	F	F	F	F
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	F	F	F	F	F
Open space	A	A	A	A	A
Open space recreational building	C	C	C	C	C
Outdoor place of recreation for profit	F	F	F	F	F
Stadium	F	F	F	F	F
<u>Public Service Uses⁴</u>					
Automatic telephone exchange	C	C	C	C	C
Courthouse	C	C	C	C	C
Fire station	A	A	A	A	A
Penal institution	F	F	F	F	F
Police station	A	A	A	A	A
Pumping station	F	F	F	F	F
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	F

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Public Service Uses⁴ (cont'd)</u>					
Solid waste transfer station	F	F	F	F	F
Sub-station	F	F	F	F	F
Telephone exchange	F	F	F	F	F
<u>Research and Development Uses⁵</u>					
Research laboratory	F	F	F	F	F
Product development or prototype manufacturing	F	F	F	F	F
<u>Residential Uses</u>					
Congregate living complex	F	F	F	C	C
Elderly housing	F	F	F	A	A
Group residence, limited	A	A	A	A	A
Lodging house	F	F	C	C	C
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multi-family dwelling	F	F	F	A	A
One family detached dwelling	A	A	A	A	A
One family semi-attached dwelling	F	A	A	A	A
Orphanage	F	F	F	C	C
Rowhouse	F	F	A	A	A
Temporary dwelling structure	C	C	C	C	C
Three family detached dwelling	F	F	A	A	A

TABLE A

<u>Residential Uses (cont'd)</u>	<u>One Family (1F)</u>			<u>Two Family (2F)</u>		<u>Three Family (3F)</u>		<u>Multifamily Residential (MFR)</u>		<u>Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR)¹</u>	
Townhouse	F			F		A		A		A	
Transitional housing or homeless shelter	C			C		C		C		C	
Two family detached dwelling	F			A		A		A		A	
Two family semi-attached dwelling	F			F		A		A		A	
<u>Restaurant Uses⁷</u>											
Drive-in restaurant	F			F		F		F		F	
Restaurant	F			F		F		F		C ³	
Take-out restaurant											
Small ⁸	F			F		F		F		C ³	
Large ⁹	F			F		F		F		F	
<u>Retail Uses¹⁰</u>											
Adult bookstore	F										
Bakery	F			F		F		F		F	
General retail business	F			F		F		F		C ³	
Liquor store	F			F		F		F		F ²	
Local retail business	F			F		F		F		C ³	
Outdoor sale of garden supplies	F			F		F		F		A ³	
										C ³	

TABLE A

Service Uses ¹⁰	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
Animal hospital	F	F	F	F	F
Barber or beauty shop	F	F	F	F	C ³
Caterer's establishment	F	F	F	F	F
Dry-cleaning shop	F	F	F	F	C ³
Kennel	F	F	F	F	F
Laundry, retail	F	F	F	F	C ³
Laundry, self-service	F	F	F	F	C ³
Photocopying establishment	F	F	F	F	C ³
Shoe repair	F	F	F	F	C ³
Tailor shop	F	F	F	F	C ³
Storage Uses, Major					
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of certain materials	F	F	F	F	F
Storage of flammable liquids and gases	F	F	F	F	F
Small ¹¹	F	F	F	F	F
Large ¹¹	F	F	F	F	F
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	F	F

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Trade Uses¹⁰</u>					
Carpenters shop	F	F	F	F	C ³
Electrician's shop	F	F	F	F	C ³
Machine shop	F	F	F	F	C ³
Photographer's studio	F	F	F	F	C ³
Plumber's shop	F	F	F	F	C ³
Radio/television repair	F	F	F	F	C ³
Upholsterer's shop	F	F	F	F	C ³
Welder's shop	F	F	F	F	C ³
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F
Garage with dispatch	F	F	F	F	F
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	F
Rail freight terminal	F	F	F	F	F
Railroad passenger station	F	F	F	F	F
Water terminal - freight	F	F	F	F	F
Water terminal - passenger	F	F	F	F	F ²
<u>Vehicular Uses</u>					
Bus servicing or storage	F	F	F	F	F
Carwash	F	F	F	F	F
Gasoline station	F	F	F	F	F

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Vehicular Uses (cont'd)</u>					
Indoor sale and installation of automotive parts	F	F	F	F	F
Indoor sale of automobiles and trucks	F	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F	F
Parking garage	F	F	F	F	F
Parking lot	F	F	F	F	F
Rental agency for cars	F	F	F	F	F
Rental agency for trucks	F	F	F	F	F
Repair garage	F	F	F	F	F
Truck servicing or storage	F	F	F	F	F
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	F
<u>Accessory and Ancillary Uses</u>					

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F	F	F	F ²
Accessory art use	C	C	C	C	C
Accessory automatic teller machine	F	F	F	F	C ³
Accessory bus servicing or storage	F	F	F	F	F
Accessory cafeteria	F	F	F	F	F ²
Accessory cultural uses	F	F	F	F	F ²
Accessory dormitory	F	F	F	F	F
Accessory drive-through restaurant	F	F	F	F	F
Accessory drive-through retail	F	F	F	F	F
Accessory family day care home	A	A	A	A	A
Accessory home occupation	A	A	A	A	A
Accessory industrial use	F	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F	F
Accessory keeping of laboratory animals ⁶	F	F	F	F	F
Accessory machine shop	F	F	F	F	F
Accessory manufacture of products	F	F	F	F	F

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory offices	F	F	F	F	F
Accessory offices for university	F	F	F	F	F
Accessory outdoor cafe	F	F	F	F	F ²
Accessory parking	A	A	A	A	A
Accessory personnel quarters	F	F	F	A	A
Accessory printing	F	F	F	F	F
Accessory professional office in a dwelling	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F
Accessory recycling	F	F	F	C	C
Accessory repair garage	F	F	F	F	F
Accessory retail	F	F	F	F	F ²
Accessory service uses	F	F	F	F	C
Accessory services for apartment and hotel residents	F	F	F	A	A
Accessory services incidental to educational uses other than college or university use	F	F	F	F	F
Accessory storage of flammable liquids and gases	A	A	A	A	A
Small ¹¹	F	F	F	F	F
Large ¹¹	F	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F	F

TABLE A

	One Family (1F)	Two Family (2F)	Three Family (3F)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS) and Waterfront Residential (WR) ¹
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory swimming pool or tennis court ¹²	A	A	A	A	A
Accessory trade uses	F	F	F	F	F
Accessory truck servicing or storage	F	F	F	F	F
Accessory wholesale business Ancillary use ¹³	F	F	F	F	F
	C	C	C	C	C

1. In any Waterfront Residential Subdistrict, the provisions of Sections 53-14 through 53-21 (Regulations Applicable in Tidelands and in Waterfront Subdistricts) apply, notwithstanding any contrary provision of this Table A.
2. Where designated "C", such use is allowed within a Waterfront Residential Subdistrict, provided such use is located on the ground floor. Where designated "F", such use is conditional within a Waterfront Residential Subdistrict, provided such use is located on the ground floor.
3. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.
4. Where designated "A", provided that the requirements of St. 1956, c. 665, s.2, where applicable, are met; otherwise conditional.
5. Provided that, where such use exists on the effective date of this Article and such use is designated "F", any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.

TABLE A

6. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
7. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
8. Total gross floor area not more than 1,000 square feet per restaurant.
9. Total gross floor area exceeding 1,000 square feet per restaurant.
10. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
11. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which is it ancillary.

TABLE B

East Boston Neighborhood District Use Regulations in Neighborhood Business Subdistricts

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine		F		F
Bank	C	A	A	A
Drive-in bank	A	F	C	F
Post office	A	C	A	C
<u>Community Uses</u>				
Adult education center	A	A	A	A
Community center	A	A	A	A
Day care center	A	A	A	A
Day care center, elderly	A	A	A	A
Library	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A
<u>Cultural Uses</u>				
Art gallery	A	C	A	A
Art use	C	C	A	A
Auditorium	F	F	F	F
Cinema	C	C	A	C

TABLE B

	<u>Neighborhood Shopping</u>			<u>Community Commercial</u>		
	<u>Basement & First Story</u>	<u>Second Story & Above</u>		<u>Basement & First Story</u>	<u>Second Story & Above</u>	
<u>Cultural Uses (cont'd)</u>						
Concert hall	C	C		A	C	
Museum	A	A		A	A	
Public art, display space	A	A		A	A	
Studios, arts	A	A		A	A	
Studios, production	C	C		C	C	
Theatre	C	C		A	C	
Ticket sales	A	C		A	C	
<u>Dormitory/Fraternity Uses</u>						
Dormitory not accessory to a use	F	F		F	F	
Fraternity	F	F		F	F	
<u>Educational and Recreational Uses</u>						
College or university	C	C		C	C	
Elementary or secondary school ¹	A	A		A	A	
Kindergarten	A	A		A	A	
Professional school	C	C		C	A	
Trade school	C	C		C	A	
<u>Entertainment Uses</u>						
Adult entertainment	F	F		F	F	
Amusement game machines in commercial establishment	F	F		F	F	

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Entertainment Uses (cont'd)</u>				
Amusement game machines in non-commercial establishment	F	F	F	F
Bar with live entertainment ²	C	F	C	F
Bowling alley	F	F	C	F
Billiard parlor	C	F	A	F
Dance hall	C	C	C	C
Drive-in theatre	C	C	C	C
Fitness center or gymnasium	F	F	F	F
Private club not serving alcohol	C	C	A	C
Private club serving alcohol	C	C	C	C
Restaurant with live entertainment, not operating after 10:30 p.m.	C	F	C	C
Restaurant with live entertainment, operating after 10:30 p.m. ²	F	F	A	C
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F
Funeral home	A	A	A	A
Mortuary chapel	A	A	A	A

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Health Care Uses</u>				
Clinic	A	C	A	A
Clinical laboratory	C	C	C	A
Custodial care facility	C	C	C	C
Group residence, general	C	C	C	C
Hospital	C	C	C	C
Nursing or convalescent home	C	A	C	A
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	C	A	C	A
Conference center	F	F	F	F
Executive suites	C	C	C	C
Hotel	F	F	F	F
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	C	A	C	A
Cleaning plant	F	F	F	F
General manufacturing use	F	F	F	F
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Office Uses</u>				
Agency or professional office	A	A	A	A
General office	A	A	A	A
Office of wholesale business	A	C	A	C
<u>Open Space Uses</u>				
Golf driving range	F	F	F	F
Grounds for sports, private	F	F	F	F
Open space	A	A	A	A
Open space recreational building	A	A	A	A
Outdoor place of recreation for profit	C	C	C	C
Stadium	F	F	F	F
<u>Public Service Uses¹</u>				
Automatic telephone exchange	C	C	C	C
Courthouse	C	C	C	C
Fire station	A	A	A	A
Penal institution	F	F	F	F
Police station	A	A	A	A
Pumping station	F	F	F	F
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F
Solid waste transfer station	F	F	F	F
Sub-station	C	C	C	C
Telephone exchange	C	C	C	C

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Research and Development Uses³</u>				
Research laboratory	C	C	C	C
*Product development or prototype manufacturing	C	C	C	F
<u>Residential Uses</u>				
Congregate living complex	C	A	C	A
Elderly housing	A	A	A	A
Group residence, limited	A	A	A	A
Lodging house	C	C	C	C
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	A	A	A	A
One family detached dwelling	F	F	F	F
One family semi-attached dwelling	F	F	F	F
Orphanage	C	C	C	C
Rowhouse	F	F	F	F
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	F	F	F	F
Townhouse	F	F	F	F
Transitional housing or homeless shelter	C	C	C	C
Two family detached dwelling	F	F	F	F
Two family semi-attached dwelling	F	F	F	F

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Restaurant Uses⁴</u>				
Drive-in restaurant	F	F	F	F
Restaurant	A	C	A	A
Take-out restaurant				
Small ⁵	A	F	A	F
Large ⁶	C	F	C	F
<u>Retail Uses⁷</u>				
Adult bookstore	F	F	F	F
Bakery	A	F	A	C
General retail business	A	F	A	A
Liquor store	C	F	C	F
Local retail business	A	C	A	A
Outdoor sale of garden supplies	A	C	A	C
<u>Service Uses⁷</u>				
Animal hospital	C	C	C	C
Barber or beauty shop	A	C	A	A
Caterer's establishment	C	C	C	C
Dry-cleaning shop	A	C	A	C
Kennel	F	F	F	F
Laundry, retail service	A	C	A	C
Laundry, self-service	A	C	A	C
Photocopying establishment	A	C	A	A
Shoe repair	A	C	A	A
Tailor shop	A	C	A	A

TABLE B

<u>Storage Uses, Major</u>	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of certain materials	F	F	F	F
Storage of flammable liquids and gases	F	F	F	F
Small ⁸	F	F	F	F
Large ⁸	F	F	F	F
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F
<u>Trade Uses⁷</u>				
Carpenters shop	A	C	A	A
Electrician's shop	A	C	A	A
Machine shop	A	C	A	A
Photographer's studio	A	A	A	A
Plumber's shop	A	C	A	A
Radio/television repair	A	C	A	A
Upholsterer's shop	A	C	A	A
Welder's shop	C	C	C	C
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Transportation Uses (cont'd)</u>				
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal - freight	F	F	F	F
Water terminal - passenger	F	F	F	F
<u>Vehicular Uses⁹</u>				
Bus servicing or storage	F	F	F	F
Carwash	C	F	C	F
Gasoline station	C	F	C	F
Indoor sale and installation of automotive parts	F	F	F	F
Indoor sale of automobiles and trucks	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F
Parking garage	F	F	F	F
Parking lot	F	F	F	F
Rental agency for cars	F	F	F	F
Rental agency for trucks	F	F	F	F
Repair garage	F	F	F	F
Truck servicing or storage	F	F	F	F
<u>Wholesale Uses</u>				
Wholesale business	C	C	C	C

TABLE B

	Neighborhood Shopping		Community Commercial	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above

Accessory and Ancillary Uses

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment

C	C	C	C
---	---	---	---

C	C	C	C
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

A	A	A	A
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

A	A	A	A
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

C	C	C	C
---	---	---	---

C	C	C	C
---	---	---	---

F	F	F	F
---	---	---	---

C	C	C	C
---	---	---	---

C	C	C	C
---	---	---	---

A	A	A	A
---	---	---	---

C	C	C	C
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

A	A	A	A
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

A	A	A	A
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

C	C	C	C
---	---	---	---

C	C	C	C
---	---	---	---

F	F	F	F
---	---	---	---

C	C	C	C
---	---	---	---

A	A	A	A
---	---	---	---

C	C	C	C
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

A	A	A	A
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

F	F	F	F
---	---	---	---

A	A	A	A
---	---	---	---

A	A	A	A
---	---	---	---

F	F	F	F
---	---	---	---

C	C	C	C
---	---	---	---

C	C	C	C
---	---	---	---

F	F	F	F
---	---	---	---

C	C	C	C
---	---	---	---

A	A	A	A
---	---	---	---

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory offices for university	C	C	C	C
Accessory outdoor cafe ¹⁰	A	F	A	F
Accessory parking	A	C	A	C
Accessory personnel quarters	F	F	F	F
Accessory printing	F	F	F	F
Accessory professional office in a dwelling	A	C	A	C
Accessory railroad storage yard	F	F	F	F
Accessory recycling	C	C	C	C
Accessory repair garage	F	F	F	F
Accessory retail	A	C	A	A
Accessory scientific laboratory	F	F	F	F
Accessory services uses	A	A	A	A
Accessory services for apartment and hotel residents	F	F	F	F
Accessory services incidental to educational uses other than college or university use	C	C	C	C
Accessory storage of flammable liquids and gases				
Small ⁸	A	C	A	C
Large ⁸	C	C	C	C
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis court ¹¹	A	A	A	A

TABLE B

	<u>Neighborhood Shopping</u>		<u>Community Commercial</u>	
	<u>Basement & First Story</u>	<u>Second Story & Above</u>	<u>Basement & First Story</u>	<u>Second Story & Above</u>

Accessory and Ancillary Uses (cont'd)

Accessory trade use	A	A	A	A
Accessory truck servicing or storage	F	F	F	F
Accessory wholesale business	F	F	F	F
Ancillary use ¹²	C	C	C	C

1. Where designated "A", provided that the requirements of St. 1956, c. 665, S.2, where applicable, are met; otherwise conditional.
2. Provided that, where such use exists on the effective date of this Article and is designated "F", any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
3. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
5. Total gross floor area not more than 2,500 square feet per restaurant.
6. Total gross floor area exceeding 2,500 square feet per restaurant.
7. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.

TABLE B

8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A", or C, provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Except conditional in Rear Yard abutting a Residential Subdistrict.
11. Provided such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate which is locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

Table C

**East Boston Neighborhood District
Use Regulations in
Waterfront Manufacturing Subdistricts, Waterfront Service Subdistricts,
and Waterfront Community Commercial Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

	<u>Waterfront Manufacturing Subdistrict</u>	<u>Waterfront Service Subdistrict</u>	<u>Waterfront Commercial Subdistrict</u>	
			<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	A	C	C	F
Bank	A ¹	C	A	A
Drive-in bank	F	F	F	F
Post office	A ¹	C	A	C
<u>Community Uses</u>				
Adult education center	C	A ⁴	A	A
Community center	C	A ⁴	A	A
Day care center	C	A ⁴	A	A
Day care center, elderly	C	A ⁴	A	A
Library	C	A ⁴	A	A
Place of worship; monastery; convent; parish house	A	A	A	A

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict
			Basement & First Story
			Second Story & Above
<u>Cultural Uses</u>			
Art gallery	F	A ⁴	A
Art use	F	A ⁴	A
Auditorium	F	F	F
Cinema	F	F	C
Concert hall	F	F	C
Museum	F	F	C
Public art, display space	F	A ⁴	C
Studios, arts	F	A ⁴	A
Studios, production	F	C	A
Theatre	F	F	C
Ticket sales	F	F	C
<u>Dormitory/Fraternity Uses</u>			
Dormitory not accessory to a use	F	F	F
Fraternity	F	F	F
<u>Educational Uses</u>			
College or university	F	F	C
Elementary or secondary school ²	F	F	A
Kindergarten	F	F	A
Professional school	C	C	A
Trade school	C	C	A

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	Basement & First Story	Second Story & Above
<u>Entertainment and Recreational Uses</u>					
Adult entertainment	F	F		F	F
Amusement game machines in commercial establishment	C	F		F	F
Amusement game machines in non-commercial establishment	C	F		F	F
Bar ³	F	F		F	F
Bar with live entertainment ³	F	F		C	F
Bowling alley	F	F		C	F
Billiard parlor	F	F		C	F
Dance hall	F	F		A	F
Drive-in theatre	F	F		C	F
Fitness center or gymnasium	F	F		C	C
Private club not serving alcohol ¹⁶	C	C		C	C
Private club serving alcohol ¹⁶	C	A		F	F
Restaurant with live entertainment, not operating after 10:30 p.m.	C	A		A	C
Restaurant with live entertainment operating after 10:30 p.m. ³	C	C		C	C
<u>Funerary Uses</u>					
Cemetery					
Columbarium	F	F		F	F
Crematory	F	F		F	F
Funeral home	F	F		F	F
Mortuary chapel	F	F		F	F

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict
			Basement & First Story
			Second Story & Above
<u>Health Care Uses</u>			
Clinic	F	F	A
Clinical laboratory	F	F	A
Custodial care facility	F	F	C
Group care residence, general	F	F	C
Hospital	F	F	C
Nursing or convalescent home	F	F	C
			A
<u>Hotel and Conference Center Uses</u>			
Bed and breakfast	F	F	A
Conference center	F	F	F
Executive suites	F	F	C
Hotel	F	F	C
Motel	F	F	C
<u>Industrial Uses</u>			
Artists' mixed-use	C	F	A
Cleaning plant	C	F	F
General manufacturing use	A	F	F
Light manufacturing use	A	A	F
Printing plant	C	F	F
Restricted industrial use	C	F	F

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	
			Basement & First Story	Second Story & Above
<u>Office Uses</u>				
Agency or professional office	C	F	A	A
General office	C	F	A	A
Office of wholesale business	A	C	A	C
<u>Open Space Uses</u>				
Golf driving range				
Grounds for sports, private	F	F	F	F
Open space	A	A	A	A
Open space recreational building	C	A	A	A
Outdoor place of recreation for profit	C	C	C	C
Stadium	F	F	F	F
<u>Public Service Uses</u>				
Automatic telephone exchange ²				
Courthouse ²	F	F	C	C
Fire station ²	F	F	C	C
Penal institution	A	A	A	A
Police station ²	F	F	F	F
Pumping station ²	A	A	A	A
Recycling facility (excluding toxic waste)	A	A	F	F
Solid waste transfer station	C	C	F	F
Sub-station ²	F	F	F	F
Telephone exchange	F	F	C	C

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	
			Basement & First Story	Second Story & Above
<u>Research and Development Uses⁵</u>				
Research laboratory	A	C	C	C
Product development or prototype manufacturing	A	C	C	F
<u>Residential Uses</u>				
Congregate living complex				
Elderly housing	F	F	C	A
Group residence, limited	F	F	A	A
Lodging house	F	F	A	A
Mobile home	F	F	C	C
Mobile home park	F	F	F	F
Multi-family dwelling	F	F	F	F
One family detached dwelling	F	F	C	A
One family semi-attached dwelling	F	F	F	F
Orphanage	F	F	F	F
Rowhouse	F	F	C	C
Temporary dwelling structure	F	F	F	F
Three family detached dwelling	F	F	C	C
Townhouse	F	F	F	F
Transitional housing or homeless shelter	F	F	C	C
Two family detached dwelling	F	F	F	F
Two family semi-attached dwelling	F	F	F	F

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	
			Basement & First Story	Second Story & Above
<u>Restaurant Uses⁸</u>				
Drive-in restaurant	F	F	F	F
Restaurant	A ¹	A ¹	A	A
Take-out restaurant				
Small ⁶	A	A	A	F
Large ⁷	F	C	C	F
<u>Retail Uses⁸</u>				
Adult bookstore				
Bakery	F	F	F	F
General retail business	C	C	A	C
Liquor store	C	C	A	A
Local retail business	C	C	C	F
Outdoor sale of garden supplies	C	F	A	A
<u>Service Uses⁸</u>				
Animal hospital				
Barber or beauty shop	F	F	C	C
Caterer's establishment	F	C	A	A
Dry-cleaning shop	F	C	A	C
Kennel	F	C	F	F
Laundry, retail service	F	C	A	C
Laundry, self-service	F	C	A	C

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	
			Basement & First Story	Second Story & Above
<u>Service Uses⁸</u> (cont'd)				
Photocopying establishment	F	C	A	A
Shoe repair	F	C	A	A
Tailor shop	F	C	A	A
<u>Storage Uses, Major</u>				
Enclosed storage of bulk fuel or minerals ⁹	C	F	F	F
Outdoor storage of bulk fuel or minerals ⁹	F	F	F	F
Outdoor storage of new materials	A	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	C	F	F	F
Storage of flammable liquids and gases				
Small ¹⁰	C	C	F	F
Large ¹⁰	C	C	F	F
Storage or transfer of toxic waste	F	F	F	F
Warehousing	C	F	F	F
Wrecking yard	F	F	F	F
<u>Trade Uses⁸</u>				
Carpenters shop	A	A	A	A
Electrician's shop	A	A	A	A

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	Second Story & Above
<u>Trade Uses⁸ (cont'd)</u>				
Machine shop	A	A	A	A
Photographer's studio	C	A	A	A
Plumber's shop	A	A	A	A
Radio/television repair	A	A	A	A
Upholsterer's shop	A	A	A	A
Welder's shop	A	A	C	C
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	C	F	F	F
Rail freight terminal	C	F	F	F
Railroad passenger station	F	F	F	F
Water terminal - freight	A	C	F	F
Water terminal - passenger	A	A	A	A
<u>Vehicular Uses¹²</u>				
Bus servicing or storage	F ¹¹	F	F	F
Carwash	F ¹¹	F	F	F
Gasoline station	F ¹¹	F	F	F
Indoor sale and installation of automotive parts	F ¹¹	F	F	F

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict
			Basement & First Story
			Second Story & Above
<u>Vehicular Uses (cont'd)</u>			
Indoor sale of automobiles and trucks	F ¹¹	F	F
Outdoor sale of new and used vehicles	F	F	F
Parking garage	F	F	F
Parking lot	F	F	F
Rental agency for cars	F	F	F
Rental agency for trucks	F	F	F
Repair garage	F	F	F
Truck servicing or storage	F	F	F
<u>Wholesale Uses</u>			
Wholesale business	A	C	C
<u>Waterfront Service Uses</u>			
Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off-loading, or delivery	A	A	A
Use, hire, or charter of any commercial Vessel	A	A	A
Boat and marine motor service and repair or sales and display	A	A	C

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict	
			Basement & First Story	Second Story & Above
<u>Waterfront Service Uses (cont'd)</u>				
Boatyard	A	A	F	F
Non-seasonal dry storage of vessels	A	A	C	C
Sale of marine fuel, marine hardware, or boating or diving supplies and equipment	A	A		
Navigation aids and facilities	A	A	A	A
Wet or dry storage or berthing of any commercial vessel	A	A	A	A
Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors	A	A	C	C
Marine shop, electrical shop, or similar use for the repair and maintenance of vessels	A	A	C	C
Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally	A	A	C	C
Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage	A	A	C	C
Aquaculture facility	A	A	A	A
Boat rental establishment	A	A	A	A
Flood, water level, or tidal control facility	A	A	A	A

Table C

	<u>Waterfront Manufacturing Subdistrict</u>	<u>Waterfront Service Subdistrict</u>	<u>Waterfront Commercial Subdistrict</u>	
			<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Waterfront Service Uses (cont'd)</u>				
Marine research and training institute	A	A	A	A
Public boat ramp	A	A	C	C
Recreational marina, rack, dry stack, or landside facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20)				
Recreational marina, or rack, dry stack, or landside facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20)	A	A	A	A
Enclosed storage or wholesaling of fish and seafoods, provided such use is not within 50 feet of a Residential Subdistrict	A	A	C	C
Facilities associated with marine terminals for the storage of goods transported in waterborne commerce	A	C	F	F
		C	C	C

Table C

	<u>Waterfront Manufacturing Subdistrict</u>	<u>Waterfront Service Subdistrict</u>	<u>Waterfront Commercial Subdistrict</u>	
			<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Maritime-Dependent Facilities</u> Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce Wharves, piers, docks, and storage facilities for the commercial fishing industry Drydocks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction	A	C	C	C
	A	C	C	C
	A	C	C	C
	A	C	C	C

Table C

Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict
	Basement & First Story	Second Story & Above

Accessory and Ancillary Uses

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table C and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines

(not more than four) in commercial or non-commercial establishment

Accessory art use F A F F A C A A A F F F F A C C

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural use

Accessory dormitory

Accessory drive-through restaurant

Accessory drive-through retail

Accessory family daycare home

Accessory home occupation

Accessory industrial use

Accessory keeping of animals other than laboratory animals

Accessory keeping of laboratory animals⁵

Accessory machine shop

Accessory manufacture of products

Accessory offices

F F A C A A F F F F F A F C C A A A A C C A C A

C C A F A A F F F A A F C C F C A

Table C

	Waterfront Manufacturing Subdistrict	Waterfront Service Subdistrict	Waterfront Commercial Subdistrict
			Basement & First Story
			Second Story & Above
Accessory and Ancillary Uses (cont'd)			
Accessory offices for university	F	C	C
Accessory outdoor cafe ¹³	A	A	F
Accessory parking	A	A	C
Accessory personnel quarters	C	F	F
Accessory printing	A	A	C
Accessory professional office in a dwelling	F	F	C
Accessory railroad storage yard	C	F	C
Accessory recycling	A	A	F
Accessory repair garage	C	F	C
Accessory retail	A	A	F
Accessory service uses	A	A	A
Accessory services for apartment and hotel residents	A	A	A
Accessory services incidental to educational uses other than college or university use	C	C	A
Accessory storage of flammable liquids and gases	C	C	A
Small ⁹	A	A	A
Large ⁹	C	C	C
Accessory storage or transfer of toxic waste	C	F	C
Accessory swimming pool or tennis court ¹⁴	A	A	F
Accessory trade use	A	A	A

Table C

	<u>Waterfront Manufacturing Subdistrict</u>	<u>Waterfront Service Subdistrict</u>	<u>Waterfront Commercial Subdistrict</u>	
			<u>Basement & First Story</u>	<u>Second Story & Above</u>
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory truck servicing or storage	C	C	F	F
Accessory wholesale business	A	C	F	F
Ancillary use ¹⁵	C	C	C	C

1. Where designated "A," such use is allowed if the total gross floor area does not exceed one thousand (1,000) square feet per use; otherwise, such use is conditional.
2. Where designated "A," such use is allowed if the requirements of St. 1956, c. 665, S.2, where applicable, are met; otherwise, such use is conditional.
3. Provided that, where such use exists on the effective date of this Article and is designated "F," any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use is located on the ground floor; otherwise conditional.
5. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Total gross floor area not exceeding 1,000 square feet per restaurant.
7. Total gross floor area exceeding 1,000 square feet per restaurant.

Table C

8. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.

Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
9. Provided that all dust and dirt incident to storage or handling is effectively confined to the Lot.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
11. Except conditional within the Upper Chelsea Creek Waterfront Manufacturing Subdistrict.
12. Where such use is designated "A," or "C," such use is allowed or conditional, as the case may be, provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise, such use is forbidden.
13. Except conditional in a Rear Yard abutting a Residential Subdistrict.
14. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
15. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
16. Where such use is designated "A", such use is allowed if water access is required for the use's program or operations; otherwise, such use is conditional.

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Cultural Uses</u>					
Art gallery	C	A	C	A	A
Art use	C	A	C	A	A
Auditorium	C	F	C	C	C
Cinema	F	F	C	F	A
Concert hall	F	F	C	F	C
Museum	C	C	C	A	C
Public art, display space	C	A	A	A	A
Studios, arts	F	F	C	A	A
Studios, production	F	F	C	A	A
Theatre	F	F	C	F	A
Ticket sales	F	F	C	C	A
<u>Dormitory/Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	C
Fraternity	F	F	F	F	C
<u>Educational Uses</u>					
College or university	C	F	C	C	C
Elementary or secondary school ²	C	F	A	F	C
Kindergarten	C	F	A	F	C

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Educational Uses (cont'd)</u>					
Professional school	C	F	A	A	A
Trade school	C	F	A	A	A
<u>Entertainment and Recreational Uses</u>					
Adult entertainment					
Amusement game machines in commercial establishment	F	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	C	C
Bar ³	F	F	F	C	C
Bar with live entertainment ³	F	F	F	C	C
Bowling alley	F	F	F	F	C
Billiard parlor	F	F	F	F	A
Dance hall	F	F	F	F	A
Drive-in theatre	F	F	C	F	C
Fitness center or gymnasium	F	F	F	F	C
Private club not serving alcohol	F	F	C	C	A
Private club serving alcohol	F	F	F	C	C
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	F	C	C
Restaurant with live entertainment operating after 10:30 p.m. ³	F	F	F	F	C

TABLE D

	<u>Conservation Protection Subdistrict (CP)</u>	<u>Corridor Enhancement Subdistrict (CE)</u>	<u>Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF)¹</u>	<u>Local Industrial Subdistrict (LI)</u>	<u>Economic Development Area (EDA)</u>
<u>Funerary Uses</u>					
Cemetery	A	A	F	F	F
Columbarium	A	A	F	F	F
Crematory	A	A	F	F	F
Funeral home	F	F	F	F	F
Mortuary chapel	C	C	F	F	F
<u>Health Care Uses</u>					
Clinic	F	F	C	C	A
Clinical laboratory	F	F	C	A	A
Custodial care facility	F	F	C	C	C
Group care residence, general	C	F	C	F	A
Hospital	F	F	C	C	C
Nursing or convalescent home	A	F	A	F	C
<u>Hotel and Conference Center Uses</u>					
Bed and breakfast	C	F	F	F	C
Conference center	C	F	F	C	A
Executive suites	F	F	F	F	A
Hotel	F	F	F	F	A
Motel	F	F	F	F	A

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Industrial Uses</u>					
Artists' mixed-use	F	F	A	A	A
Cleaning plant	F	F	F	C	C
General manufacturing use	F	F	F	C	C
Light manufacturing use	F	F	F	A	A
Printing plant	F	F	F	A	A
Restricted industrial use	F	F	F	F	F
<u>Office Uses</u>					
Agency or professional office	F	F	F	A	A
General office	F	F	F	A	A
Office of wholesale business	F	F	F	A	A
<u>Open Space Uses</u>					
Golf driving range	F	F	F	C	C
Grounds for sports, private	F	F	A	F	C
Open space	A	A	A	A	A
Open space recreational building	A	A	A	A	A
Outdoor place of recreation for profit	C	C	C	C	C
Stadium	F	F	F	F	C

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Public Service Uses</u>					
Automatic telephone exchange ²	C	C	A	A	A
Courthouse ²	C	A	A	A	A
Fire station ²	A	A	A	A	A
Penal institution	F	F	F	F	F
Police station ²	A	A	A	A	A
Pumping station ²	F	F	C	C	C
Recycling facility (excluding toxic waste)	F	F	C	C	C
Solid waste transfer station	F	F	F	F	F
Sub-station ²	F	F	C	C	C
Telephone exchange	F	F	C	A	A
<u>Research and Development Uses⁴</u>					
Research laboratory	F	F	F	A	A
Product development or prototype manufacturing	F	F	F	A	A
<u>Residential Uses</u>					
Congregate living complex	A	C	A	F	F
Elderly housing	A	C	A	F	F

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Residential Uses (cont'd)</u>					
Group residence, limited	A	C	A	F	F
Lodging house	F	F	F	F	F
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multi-family dwelling	A	A	A	F	F
One family detached dwelling	C	C	A	F	F
One family semi-attached dwelling	A	A	A	F	F
Orphanage	C	C	A	F	F
Rowhouse	A	A	A	F	F
Temporary dwelling structure	C	A	A	F	F
Three family detached dwelling	C	F	F	F	F
Townhouse	A	A	A	F	F
Transitional housing or homeless shelter	C	A	A	F	F
Two family detached dwelling	A	C	A	F	F
Two family semi-attached dwelling	A	A	A	F	F
<u>Restaurant Uses⁵</u>					
Drive-in restaurant	F	F	F	F	C
Restaurant	F	C	C	C	A
Take-out restaurant					
Small ⁶	F	F	F	F	A
Large ⁷	F	F	F	F	C

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Retail Uses⁸</u>					
Adult bookstore	F	F	F	F	F
Bakery	F	F	F	A	A
General retail business	F	F	F	C	A
Liquor store	F	F	F	C	A
Local retail business	F	C	F	A ¹	A
Outdoor sale of garden supplies	F	C	F	F	A
<u>Service Uses⁸</u>					
Animal hospital	F	F	F	C	C
Barber or beauty shop	F	F	F	C	A
Caterer's establishment	F	F	F	A	A
Dry-cleaning shop	F	F	F	C	A
Kennel	F	F	F	C	C
Laundry, retail service	F	F	F	A	A
Laundry, self-service	F	F	F	C	A
Photocopying establishment	F	F	F	A	A
Shoe repair	F	F	F	C	A
Tailor shop	F	F	F	C	A

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Storage Uses, Major</u>					
Outdoor storage of new materials	F	F	F	F	C
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of certain materials	F	F	F	C	C
Storage of flammable liquids and gases					
Small ⁹	F	F	F	C	C
Large ⁹	F	F	F	F	F
Storage or transfer of toxic waste	F	F	F	C	C
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	C	C
<u>Trade Uses⁸</u>					
Carpenters shop	F	F	F	A	A
Electrician's shop	F	F	F	A	A
Machine shop	F	F	F	A	A
Photographer's studio	F	F	F	A	A
Plumber's shop	F	F	F	A	A
Radio/television repair	F	F	F	A	A
Upholsterer's shop	F	F	F	A	A
Welder's shop	F	F	F	A	A

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	C
Garage with dispatch	F	F	F	F	C
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	C
Rail freight terminal	F	F	F	F	C
Railroad passenger station	F	F	F	F	C
Water terminal	F	F	F	F	F
<u>Vehicular Uses</u> ¹⁰					
Bus servicing or storage	F	F	F	F	C
Carwash	F	F	F	F	C
Gasoline station	F	F	F	F	C
Indoor sale and installation of automotive parts	F	F	F	C	C
Indoor sale of automobiles and trucks	F	F	F	C	C
Outdoor sale of new and used vehicles	F	F	F	C	C
Parking garage	F	F	F	C	C
Parking lot	F	F	F	F	F

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Vehicular Uses (cont'd)</u>					
Rental agency for cars	F	F	F	F	F
Rental agency for trucks	F	F	F	F	F
Repair garage	F	F	F	F	F
Truck servicing or storage	F	F	F	F	F
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	A	A
<u>Accessory and Ancillary Uses</u>					
In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table D and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.					
Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F	F	F	A
Accessory art use	C	A	C	A	A
Accessory automatic teller machine	F	F	A	A	A
Accessory bus servicing or storage	F	F	F	C	C
Accessory cafeteria	A	A	A	A	A

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory cultural use	A	A	A	A	A
Accessory dormitory	F	F	C	F	C
Accessory drive-through restaurant	F	F	F	F	C
Accessory drive-through retail	F	F	F	C	C
Accessory family daycare home	A	A	A	C	F
Accessory home occupation	A	A	A	F	F
Accessory industrial use	F	F	F	C	C
Accessory keeping of animals other than laboratory animals	F	F	F	C	C
Accessory keeping of laboratory animals ⁴	F	F	F	C	C
Accessory machine shop	F	F	F	C	A
Accessory manufacture of products	F	F	F	A	A
Accessory offices	A	A	A	A	A
Accessory offices for university	C	F	C	F	C
Accessory outdoor cafe ¹²	F	F	C	A	A
Accessory parking	A	A	A	A	A
Accessory personnel quarters	F	F	F	F	C
Accessory printing	C	C	A	A	A
Accessory professional office in a dwelling	A	A	A	F	A
Accessory railroad storage yard	F	F	A	F	F
Accessory recycling	A	A	A	A	C

TABLE D

	Conservation Protection Subdistrict (CP)	Corridor Enhancement Subdistrict (CE)	Community Facilities Subdistrict (CF) and Waterfront Community Facilities Subdistrict (WCF) ¹	Local Industrial Subdistrict (LI)	Economic Development Area (EDA)
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory repair garage	F	F	F	F	A
Accessory retail	F	F	C	A	A
Accessory service uses	A	A	A	A	A
Accessory services for apartment and hotel residents	A	A	A	A	A
Accessory services incidental to educational uses other than college or university use	C	F	C	C	A
Accessory storage of flammable liquids and gases					
Small ⁹	A	A	A	A	A
Large ⁹	C	C	C	C	C
Accessory storage or transfer of toxic waste	F	F	F	F	C
Accessory swimming pool or tennis court ¹³	A	A	A	A	A
Accessory trade use	A	A	A	A	A
Accessory truck servicing or storage	F	F	F	C	C
Accessory wholesale business	F	F	F	C	A
Ancillary use ¹⁴	C	C	C	C	C

TABLE D

1. In any Waterfront Community Facilities Subdistrict, the provisions of Sections 53-14 through 53-21 (Regulations Applicable in Tidelands and in Waterfront Subdistricts) apply, notwithstanding any contrary provisions of this Table C.
2. Where designated "A," provided that the requirements of St. 1956, c. 665, S.2, where applicable, are met; otherwise conditional.
3. Provided that, where such use exists on the effective date of this Article and is designated "F", any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
4. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
6. Total gross floor area not more than one thousand (1,000) square feet per restaurant.
7. Total gross floor area exceeding one thousand (1,000) square feet per restaurant.
8. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, unregistered motor vehicles for a period of more than one month; otherwise forbidden.

TABLE D

11. Except conditional if within one hundred (100) feet of a Residential Subdistrict.
12. Except conditional in a Rear Yard abutting a Residential Subdistrict.
13. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE E

**East Boston Neighborhood District
Use Regulations in
Logan International Airport Subdistrict (LIA)**

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

Banking and Postal Uses

Automatic teller machine	A
Bank	A
Drive-in bank	A
Post office	A

Community Uses

Adult education center	A
Community center	A
Day care center	A
Day care center, elderly	A
Library	A
Place of worship; monastery; convent; parish house	A

Cultural Uses

Art gallery	A
Art use	A
Auditorium	A
Cinema	A
Concert hall	A
Museum	A

TABLE E

Cultural Uses (cont'd)

Public art, display space	A
Studios, arts	A
Studios, production	A
Theatre	A
Ticket sales	A

Dormitory/Fraternity Uses

Dormitory not accessory to a use	C
Fraternity	C

Educational Uses

College or university	C
Elementary or secondary school ¹	C
Kindergarten	C
Professional school	A
Trade school	A

Entertainment and Recreational Uses

Adult entertainment	F
Amusement game machines in commercial establishment	C
Amusement game machines in non-commercial establishment	C
Bar ²	A
Bar with live entertainment ²	A
Bowling alley	A
Billiard parlor	A
Dance hall	A

TABLE E

Entertainment and Recreational Uses (cont'd)

Drive-in theatre	A
Fitness center or gymnasium	A
Private club not serving alcohol	A
Private club serving alcohol	A
Restaurant with live entertainment, not operating after 10:30 p.m.	A
Restaurant with live entertainment operating after 10:30 p.m. ²	A

Funerary Uses

Cemetery	F
Columbarium	F
Crematory	F
Funeral home	F
Mortuary chapel	F

Health Care Uses

Clinic	A
Clinical laboratory	A
Custodial care facility	C
Group care residence, general	A
Hospital	C
Nursing or convalescent home	C

Hotel and Conference Center Uses

Bed and breakfast	C
Conference center	A

TABLE E

Hotel and Conference Center Uses (cont'd)

Executive suites	A
Hotel	A
Motel	A

Industrial Uses

Artists' mixed-use	A
Cleaning plant	A
General manufacturing use	A
Light manufacturing use	A
Printing plant	A
Restricted industrial use	F

Office Uses

Agency or professional office	A
General office	A
Office of wholesale business	A

Open Space Uses

Golf driving range	C
Grounds for sports, private	C
Open space	A
Open space recreational building	A
Outdoor place of recreation for profit	A
Stadium	C

TABLE E

Public Service Uses

Automatic telephone exchange ¹	A
Courthouse ¹	A
Fire station ¹	A
Penal institution	F
Police station ¹	A
Pumping station ¹	A
Recycling facility (excluding toxic waste)	C
Solid waste transfer station	F
Sub-station ¹	A
Telephone exchange	A

Research and Development Uses³

Research laboratory	A
Product development or prototype manufacturing	A

Residential Uses

Congregate living complex	F
Elderly housing	F
Group residence, limited	F
Lodging house	F
Mobile home	F
Mobile home park	F
Multi-family dwelling	F
One family detached dwelling	F
One family semi-attached dwelling	F
Orphanage	F
Rowhouse	F
Temporary dwelling structure	F
Three family detached dwelling	F

TABLE E

Residential Uses (cont'd)

Townhouse
 Transitional housing or homeless shelter
 Two family detached dwelling
 Two family semi-attached dwelling

F
 F
 F
 F

Restaurant Uses⁴

Drive-in restaurant
 Restaurant
 Take-out restaurant
 Small⁵
 Large⁶

C
 A

 A
 A

Retail Uses⁷

Adult bookstore
 Bakery
 General retail business
 Liquor store
 Local retail business
 Outdoor sale of garden supplies

F
 A
 A
 A
 A
 A

Service Uses⁷

Animal hospital
 Barber or beauty shop
 Caterer's establishment
 Dry-cleaning shop
 Kennel
 Laundry, retail service
 Laundry, self-service
 Photocopying establishment

C
 A
 A
 A
 A
 A
 A
 A

TABLE E

Service Uses⁷ (cont'd)

Shoe repair
Tailor shop

A
A

Storage Uses, Major

Outdoor storage of new materials
Outdoor storage of damaged or disabled vehicles
Outdoor storage of junk and scrap
Storage of certain materials
Storage of flammable liquids and gases
Small⁸
Large⁸
Storage or transfer of toxic waste
Warehousing
Wrecking yard

C
F
F
C

A
A
F
A
F

Trade Uses⁷

Carpenters shop
Electrician's shop
Machine shop
Photographer's studio
Plumber's shop
Radio/television repair
Upholsterer's shop
Welder's shop

A
A
A
A
A
A
A
A
A

Transportation Uses

Airport
Bus terminal

A
A

TABLE E

Transportation Uses (cont'd)

Garage with dispatch	A
Helicopter landing facility	A
Motor freight terminal	A
Rail freight terminal	A
Railroad passenger station	A
Water terminal	A

Vehicular Uses⁹

Bus servicing or storage	A
Carwash	A
Gasoline station	A
Indoor sale and installation of automotive parts	C
Indoor sale of automobiles and trucks	C
Outdoor sale of new and used vehicles	C
Parking garage	A
Parking lot	A
Rental agency for cars	A
Rental agency for trucks	A
Repair garage	A
Truck servicing or storage	A

Wholesale Uses

Wholesale business	A
--------------------	---

TABLE E

Waterfront Service Uses

Dock, slip, pier, wharf anchorage, or moorage for commercial or recreational vessels awaiting servicing, provisioning, off-loading, or delivery	A
Use, hire, or charter of any commercial Vessel	A
Boat and marine motor service and repair or sales and display	A
Boatyard	A
Non-seasonal dry storage of vessels	A
Sale of marine fuel, marine hardware, or boating or diving supplies and equipment	A
Navigation aids and facilities	A
Wet or dry storage or berthing of any commercial vessel	A
Installation, repair, or servicing of boating accessories, marine equipment, marine instruments, or marine motors	A
Marine shop, electrical shop, or similar use for the repair and maintenance of vessels	A
Hoist, lift, ramp, davit, or other structure to haul or move a vessel between water and land and not used by the public generally	A
Groin, breakwater, wave deflector, or other structure that protects an area used for dockage or moorage	A
Aquaculture facility	A
Boat rental establishment	A

TABLE E

Waterfront Service Uses (cont'd)

Flood, water level, or tidal control facility	A
Marine research and training institute	A
Public boat ramp	A
Recreational marina, rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels; provided that the number of slips and spaces associated with any such facility does not exceed twenty (20)	A
Recreational marina, or rack, dry stack, or landslide facility for seasonal dry storage of private pleasure craft vessels, if the number of slips and spaces associated with such facility exceeds twenty (20)	A
Enclosed storage or wholesaling of fish and seafoods, provided such use is not within 50 feet of a Residential Subdistrict	A
Facilities associated with marine terminals for the storage of goods transported in waterborne commerce	A
<u>Maritime-Dependent Facilities</u>	
Manufacturing facilities relying on the bulk receipt of shipments of goods by waterborne commerce	A

TABLE E

Maritime-Dependent Facilities (cont'd)

Wharves, piers, docks, and storage facilities for the commercial fishing industry

A

Drydocks and other facilities related to the construction, servicing, storage, maintenance, or repair of vessels and other marine structures

Other docks, piers, wharves, berths, dolphins, or mooring facilities for tow boats, barges, dredges, ferries, commuter boats, water buses, water taxis, or other vessels engaged in waterborne commerce, port operations, or marine construction

A

A

Accessory and Ancillary Uses

In each subdistrict of the East Boston Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this TABLE ED and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment

A

Accessory art use

A

Accessory automatic teller machine

A

Accessory bus servicing or storage

A

Accessory cafeteria

A

Accessory cultural use

A

Accessory dormitory

C

Accessory drive-through restaurant

C

Accessory drive-through retail

C

TABLE E

Accessory and Ancillary Uses (cont'd)

Accessory family daycare home	F
Accessory home occupation	F
Accessory industrial use	A
Accessory keeping of animals other than laboratory animals	C
Accessory keeping of laboratory animals ³	A
Accessory machine shop	A
Accessory manufacture of products	A
Accessory offices	A
Accessory offices for university	C
Accessory outdoor cafe ¹⁰	A
Accessory parking	A
Accessory personnel quarters	A
Accessory printing	A
Accessory professional office in a dwelling	A
Accessory railroad storage yard	F
Accessory recycling	A
Accessory repair garage ⁹	A
Accessory retail	A
Accessory service uses	A
Accessory services for apartment and hotel residents	A
Accessory services incidental to educational uses other than college or university use	A
Accessory storage of flammable liquids and gases	A
Small ⁸	A
Large ⁸	A
Accessory storage or transfer of toxic waste	C
Accessory swimming pool or tennis court ¹¹	A
Accessory trade use	A
Accessory truck servicing or storage	A
Accessory wholesale business	A
Ancillary use ¹²	C

TABLE E

1. Where designated "A," provided that the requirements of St. 1956, c. 665, S.2, where applicable, are met; otherwise conditional.
2. Provided that, where such use exists on the effective date of this Article and is designated "F", any expansion of seating or standing capacity of such use is forbidden, notwithstanding any contrary provision of Article 9.
3. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Where a Restaurant Use is designated "A" or "C", it shall be forbidden if such establishment is open to the public after 1:00 a.m. or before 6:00 a.m.
5. Total gross floor area not more than one thousand (1,000) square feet per restaurant.
6. Total gross floor area exceeding one thousand (1,000) square feet per restaurant.
7. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
8. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
9. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
10. Except conditional in a Rear Yard abutting a Residential Subdistrict.
11. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.

TABLE E

12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

Table E

**East Boston Neighborhood District
Dimensional Regulations for Residential Subdistricts**

	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height ² Maximum Stories	Usable Open Space ³ Minimum Sq Ft Per Dwelling Unit	Front Yard ⁴ Minimum Depth (Feet)	Side Yard ⁵ Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
One-Family Residential Subdistrict											
<u>1F-4,000'</u>											
1 Family Detached	4,000	N/A	40	40	0.5	2-1/2	1,000	15	10	35	25
Other Use	4,000	N/A	40	40	0.5	2-1/2	none	15	10	35	20
<u>1F-5,000'</u>											
1 Family Detached	5,000	N/A	50	50	0.5	2-1/2	1,250	15	10	40	25
Other Use	5,000	N/A	50	50	0.5	2-1/2	none	15	12	40	20
<u>1F-7,000'</u>											
1 Family Detached	7,000	N/A	50	50	0.5	2-1/2	1,500	20	10	45	25
Other Use	7,000	N/A	50	50	0.5	2-1/2	none	20	12	45	20

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Table E - Continued

Two-Family Residential Subdistrict	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height ² Maximum Stories	Usable Open Space ³ Minimum Sq Ft. Per Dwelling Unit	Front Yard ⁴ Minimum Depth (Feet)	Side Yard ⁶ Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
<u>2F - 2000'</u>											
1 or 2 Family Detached	2,000 for 1 or 2 units	N/A	25	25	0.8	2-1/2	35	350	5	2-1/2	25
Other Use	2,000	N/A	25	25	0.8	2-1/2	35	none	5	5	20
<u>2F - 3000'</u>											
1 or 2 Family Detached	3,000 for 1 or 2 units	N/A	30	30	0.8	2-1/2	35	600	5	5	25
Other Use	3,000	N/A	30	30	0.8	2-1/2	35	none	10	7	20
<u>2F - 4000'</u>											
1 or 2 Family Detached	4,000 for 1 or 2 units	N/A	40	40	0.8	2-1/2	35	750	10	7	25
Other Use	4,000	N/A	40	40	0.8	2-1/2	35	none	15	7	20

Table Continued

Lot Area, Minimum for Dwell. Unit(s) Specified (Sq Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height ² Maximum Stories	Usable Open Space ¹ Minimum Sq. Ft. Per Dwelling Unit	Front Yard ⁴ Minimum Depth (Feet)	Side Yard ⁶ Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
<u>2F - 5000'</u>										
1 or 2 Family Detached	N/A	50	50	0.6	2-1/2	35	800	10	40	25
Other Use	N/A	50	50	0.6	2-1/2	35	none	15	40	20
<u>2F - 7000'</u>										
1 & 2 Family Detached	N/A	50	50	0.6	3	35	800	15	45	25
Other Use	N/A	50	50	0.6	3	35	none	20	45	20

Table E - Continued

Lot Area, Minimum for Dwell. Unit(s) Specified (Sq Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height ² Maximum Stories	Usable Open Space ³ Minimum Sq. Ft. Per Dwelling Unit	Front Yard ⁴ Minimum Depth (Feet)	Side Yard ⁶ Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
Three-Family Residential Subdistrict 3F-2,000'										
Semi-attached Dwelling, Row House Building, or Town House Building	1,000	20	20	1.0	3	300	5	2-1/2	40	25
Any other Dwelling or Use	2,000 for 1 or 2 units	20	20	1.0	3	300	5	2-1/2	30	25

Table E - Continued

Multifamily Residential Subdistrict	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height ² Maximum Stories	Usable Open Space ¹ Minimum Sq Ft Per Dwelling Unit	Front Yard ⁴ Minimum Depth (Feet)	Side Yard ⁶ Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
MFR-1											
1, 2, or 3 Family Detached	2,000 for 1 or 2 units	1,000	20	20	1.0	3	300	5	2-1/2	30	25
Semi-attached Dwelling, Row House Building or Town House Building	1,000 for 1 unit	1,000 for 1 unit	20	20	1.0	3	300	5	(7)	30	25
Any other Dwelling or Use	2,000 for first 2 units	1,000	40	40	1.0	3	200	5	5	30	25

Table E - Continued

Footnotes

1. The number following the designation "1F," "2F," or "3F" refers to the minimum Lot Area required in that subdistrict. For the location of all 1F, 2F, and 3F Residential Subdistricts, see Map 3A, Map 3B, Map 3C, and Map 3D.
2. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.
3. Applicable only to Residential Uses and Dormitory/Fraternity Uses. In MFR Subdistricts, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.
4. See Section 53-60.2 (Conformity with Existing Building Alignment). A bay window may protrude into a Front Yard.
5. At least two and a half (2-1/2) feet from a side lot line and five (5) feet from an existing structure on an abutting lot, and the aggregate side yard width shall be not less than five (5) feet.
6. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling.

TABLE G

**East Boston Neighborhood District
Dimensional Regulations for Neighborhood Business Subdistricts**

	<u>Neighborhood Shopping Subdistricts</u>	<u>Community Commercial Subdistricts</u>
Maximum Floor Area Ratio	1.0	1.0
Maximum Building Height	35	35
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	none	none
Minimum Usable Open Space (1) per Dwelling Unit	50	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard (2)	none (3)	none (3)
Minimum Side Yard (4)	none	none
Minimum Rear Yard (5)	20	20

TABLE G

Footnotes:

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Neighborhood Business Subdistrict, every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.
3. See Section 53-56.1 (Street Wall Continuity).
4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business Subdistrict, every rear yard required by this Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE H

**East Boston Neighborhood District
Dimensional Regulations for Maritime Economy Reserve Subdistricts,
Waterfront Manufacturing Subdistricts, Waterfront Service Subdistricts,
and Waterfront Commercial Subdistricts**

	<u>Maritime Economy Reserve Subdistrict</u>	<u>Waterfront Manufacturing Subdistrict</u>	<u>Waterfront Service Subdistrict</u>	<u>Waterfront Commercial Subdistrict</u>
Maximum Floor Area Ratio	2.0	1.0(1)	1.0	1.0
Maximum Building Height	55(2)	55	35	55
Minimum Lot Size	none	none	none	none
Minimum Lot Area Per Dwelling Unit	none	none	none	none
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	none(3)	none(3)	none(3)	none
Minimum Side Yard	none(4)	none(4)	none(4)	none
Minimum Rear Yard	none(5)	none(5)	none(5)	none
Minimum Open Space	none	(6)	(6)	(6)

1. Except that a maximum floor area ratio of 2.0 is allowed within the Upper Chelsea Creek Waterfront Manufacturing Subdistrict.

TABLE H

2. Except for cranes, silos, storage facilities, or other mechanical devices or facilities used for the transfer of goods from land to waterborne vessels or for the processing of such goods.
3. No front yard is required except (a) in the case of a lot adjacent to a Residential Subdistrict, in which case such lot shall have a front yard of 35 feet, or (b) as required by Section 53-19 (Waterfront Yard Area Requirements).
4. No side yard is required except (a) in the case of a lot adjacent to a Residential Subdistrict, in which case such lot shall have a side yard of 35 feet, or (b) as required by Section 53-19 (Waterfront Yard Area Requirements).
5. In a Waterfront Subdistrict, no rear yard is required except (a) in a case of a lot adjacent to a Residential Subdistrict, in which case such lot shall have a rear yard of 35 feet, or (b) as required by Section 53-19 (Waterfront Yard Area Requirements).
6. See Section 53-18 (Waterfront Open Space Requirements).

TABLE I

**East Boston Neighborhood District
Dimensional Regulations for
Conservation Protection Subdistricts(1)**

Maximum Floor Area Ratio	.5
Maximum Building Height	35
Residential Use	(2)
Other Use	
Minimum Lot Size	none
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	20
Minimum Side Yard	none
Minimum Rear Yard	none

1. A Proposed Project in a Conservation Protection Subdistrict may be subject to the site plan review and approval regulations set forth in Section 53-33.
2. For any Residential Use, as defined in Article 2A, there shall be a maximum of eight (8) dwelling units per acre.

TABLE J

**East Boston Neighborhood District
Dimensional Regulations for
Corridor Enhancement Subdistricts and Community Facilities Subdistricts**

	<u>Corridor Enhancement Subdistricts</u>	<u>Community Facilities Subdistricts</u>
Maximum Floor Area Ratio	1.0	1.0
Maximum Building Height	35	35
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	50	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard ¹	none	none
Minimum Side Yard	none	none
Minimum Rear Yard ²	20	20

-
1. In a required front yard in a Corridor Enhancement Subdistrict or Community Facilities Subdistrict, no plaza, terrace, or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

TABLE J

In a Corridor Enhancement Subdistrict or Community Facilities Subdistrict, every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.

2. In a Corridor Enhancement Subdistrict or Community Facilities Subdistrict, every rear yard required by this Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE K

**East Boston Neighborhood District
Dimensional Regulations for Local Industrial Subdistricts**

Maximum Floor Area Ratio	1.0
Maximum Building Height	35
Minimum Lot Size	none
Minimum Lot Area Per Dwelling Unit	none
Minimum Usable Open Space (Square Feet per Dwelling Unit)	50
Minimum Lot Width	none
Minimum Lot Frontage	none
Minimum Front Yard	none (1)
Minimum Side Yard	none (2)
Minimum Rear Yard	20

1. See Section 53-56.1, Street Wall Continuity.

TAB/E K

2. No Side Yard is required except in the case of a Lot with a side Lot line abutting a Residential Subdistrict, which shall have Side Yards as if it were in such abutting district. Every Side Yard so required that does not abut a street line shall, along every Lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE L

**East Boston Neighborhood District
Dimensional Regulations for Economic Development Areas**

	Saratoga Street EDA	McClellan Highway EDA	Suffolk Downs EDA
Maximum Floor Area Ratio(1)	2.0	2.0	2.0
Maximum Building Height ¹	35	45	45
Other Use			
Minimum Lot Size	none	none	none
Minimum Lot Width	none	none	none
Minimum Lot Frontage	none	none	none
Minimum Front Yard	none	none	none
Minimum Side Yard	none	none	none
Minimum Rear Yard	20	20	20

1. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 53-40.

DRAFT

Text Amendment Application No.
Boston Redevelopment Authority
Article 2A, Neighborhood District
Definitions, amended

TEXT AMENDMENT NO.

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice, and hearing does hereby amend the Boston Zoning Code as follows:

By deleting in its entirety Article 2A, Neighborhood District Definitions, as it was inserted by Text Amendment No. 153, and inserting in its place the following article:

ARTICLE 2A

NEIGHBORHOOD DISTRICT DEFINITIONS

SECTION 2A-1. Meaning of Certain Words and Phrases. As used in articles of this Code governing the Neighborhood District specified below, the following words and phrases shall have the meanings given in the following clauses, unless a different meaning is specified within the article governing such neighborhood district. This Article 2A shall apply to Neighborhood Districts as listed in Section 3-1(f) of this Code, except the Port Norfolk Neighborhood District.

"Accessible" or **"Accessible to Physically Handicapped Persons"** shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

"Accessory Building", a structure devoted exclusively to a use accessory to a main use of the lot.

Date of public notice: _____ (see St. 1956, c. 665, s. 5).

"Accessory Clinic or Office for Hospital", clinic or professional offices accessory to a hospital whether or not on the same lot.

"Accessory Drive-through Restaurant", subject to the provisions of Article 10, a use wholly incidental to a restaurant, with a vehicular queuing lane and a window where customers place orders or receive services, or both, while seated in a vehicle.

"Accessory Drive-through Retail", subject to the provisions of Article 10, a use wholly incidental to a local retail business establishment, with a vehicular queuing lane and a window where patrons place orders or receive services, or both, while seated in a vehicle.

"Accessory Home Occupation", subject to the provisions of Article 10, an occupation for profit customarily carried on in a dwelling unit by a person residing therein. Such occupation shall be carried on in a main building, require only equipment ordinarily incident to a dwelling unit, not require nonresident help, and not involve trading in merchandise. Home occupations include, but shall not be limited to, sewing, piano lessons, tutoring, and similar uses which are clearly incidental to the dwelling for dwelling purposes and do not change the character thereof.

"Accessory Industrial Use", subject to the provisions of Article 10, any nonresidential accessory use lawful in a Manufacturing Subdistrict, provided that such use is so carried on as not to be either a hazard to the health or safety of persons on any adjacent lot or a nuisance.

"Accessory Keeping of Animals", subject to the provisions of Article 10, the keeping of horses, cows, goats, poultry, pigeons, rabbits, bees, or similar animals other than pigs.

"Accessory Keeping of Laboratory Animals", subject to the provisions of Article 10, the keeping of laboratory animals incidental to an educational, institutional, or research and development use.

"Accessory Manufacture of Products", subject to the provisions of Article 10, the manufacture, assembly, or packaging of products sold on the lot.

"Accessory Office of University", subject to the provisions of Article 10, office accessory to a University which is not on the same lot as the University.

"Accessory Parking", subject to the provisions of Article 10, a garage or parking space for occupants, employees, customers, students, and visitors of a lawful use, provided that, in the case of a lot lying in two or more districts or subdistricts, such parking is accessory to a use that is lawful in the district or subdistrict in which such parking is located.

"Accessory Personnel Quarters", subject to the provisions of Article 10, permanent dwellings for personnel required to reside on a lot for the safe and proper operation of a lawful main use of such lot.

"Accessory Professional Office," subject to the provisions of Article 10, an office, within a main building, of a professional person who resides in such building, provided that nonresident assistants do not exceed: one in a 1F subdistrict, two in a 2F, 3D, 3F, or Row House subdistrict, or three in a MFR or MFR/LS subdistrict.

"Accessory Scientific Laboratory", a scientific laboratory accessory to an elementary or secondary school, university, hospital, or custodial care facility, whether or not on the same lot, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, and vapor are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to health or safety; and provided also that no noise or vibration is perceptible without instruments more than fifty (50) feet from the lot or any part of the lot.

"Accessory Services for Apartment and Hotel Residents", subject to the provisions of Article 10, in buildings with more than fifty dwelling units, and in hotels with more than fifty (50) sleeping rooms, newsstand, barber shop, dining room, and similar services primarily for the occupants thereof, when conducted wholly within the building and entered solely from within the building.

"Accessory Services Incidental to Educational Uses", subject to the provisions of Article 10, in educational institutions with more than four hundred (400) full-time students, incidental uses and services ordinarily found in connection therewith and primarily for the staff, students, and faculty, when conducted wholly within a building.

"Accessory Services Incidental to Hospitals", subject to the provisions of Article 10, in hospitals with more than fifty (50) beds, incidental uses and services ordinarily found in connection therewith and primarily for patients or staff, when conducted wholly within a building.

"Accessory Truck or Bus Servicing or Storage", yard for storing or servicing trucks or buses accessory to a repair garage, gasoline station, carwash, or other use.

"Accessory Use", a use customarily incident to, and on the same lot as, a main use.

Subject to the provisions of Article 10, including but not limited to, any of the following, when not a main use: not more than four (4) accessory amusement game machines in a commercial establishment or in a noncommercial establishment, accessory art use, accessory drive-through restaurant, accessory drive-through retail, accessory family day care home, accessory home occupation, accessory industrial

use, accessory keeping of animals, accessory keeping of laboratory animals, accessory manufacture of products, accessory outdoor cafe, accessory parking, accessory personnel quarters, accessory professional office in a dwelling, accessory repair garage, accessory services for apartment or hotel residents, accessory services incidental to educational uses or hospitals, accessory storage of flammable liquids incidental to lawful use, accessory swimming pool or tennis court, accessory wholesale business, or accessory use ordinarily incidental to a lawful main use.

Not subject to the provisions of Article 10, and whether or not on the same lot as the main use to which it is related, uses including but not limited to any of the following: accessory clinic or offices for hospitals, accessory dormitory, accessory machine shop, accessory offices for university, accessory railroad storage yard, accessory scientific laboratory, or accessory truck or bus servicing.

"Adjusted Income" is defined as it is in 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Adult Bookstore" a shop for the barter, rental, or sale of printed matter, pictures, or motion picture film, if such shop is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age, or if such shop keeps a part of such stock segregated as available to only one or more classes of the public excluding any minor by reason of age; or a shop for the barter, rental, or sale of printed matter, pictures, or motion picture film bearing a legend restricting it to adults only or to one or more classes of the public excluding any minor by reason of age.

"Adult Entertainment", any of the uses listed under "Cultural Uses", "Entertainment", or "Retail Uses" if such establishment is customarily not open to the public generally but only to one or more classes of the public excluding any minor by reason of age.

"Affordable Housing", either an owner-occupied dwelling unit, requiring the expenditure by a low-income or moderate-income household for mortgage and insurance payments, real estate taxes, and condominium fees of not more than thirty-two percent (32%) (or such other percentage set by the Massachusetts Housing Finance Agency for the purpose of defining affordability) of its Adjusted Income to occupy the unit; or a renter-occupied dwelling unit, requiring the expenditure by a low-income or moderate-income household for rent payments of not more than thirty-two percent (32%) of its adjusted income (or the percentage set by the Massachusetts Housing Finance Agency).

"Agency or Professional Office", any room, studio, clinic, office or suite wherein the primary use is the conduct of business by professional persons such as attorneys, physicians, architects, or insurance agents.

"Airport Use," means the operation of an airport and includes all subuses located on airport premises and generally associated with the operation of an airport. Such subuses may include, but are not limited to: runways; access roads; flight control and meteorological facilities; vehicle maintenance, storage, parking, and rental facilities; cargo and baggage sorting, handling, and storage facilities; passenger terminals; offices; restaurants, retail stores; hotels; and conference facilities.

"Amusement Game Machine," a machine, apparatus, device, or mechanism, by which entertainment requiring or involving participation therein or the use of skill therein by a player or patron is furnished for profit, including, but not exclusively, video games and pinball machines, and excluding pool tables, sippio tables, billiard tables, and bowling alleys. An amusement game machine may be, but need not be, controlled by a coin, token, or slug.

"Amusement Game Machines in Commercial Establishment," the maintenance and operation of more than four (4) mechanical, electronic, and/or coin-operated games and/or devices in a commercial establishment for the amusement of the general public.

"Amusement Game Machines in Noncommercial Establishment," the maintenance and operation of more than four (4) mechanical, electronic, and/or coin-operated amusement game machines in a private club, dormitory, fraternity house, or similar noncommercial establishment.

"Ancillary Use," auxiliary, assisting. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot; and any such use on such a lot in another district or subdistrict unless such use is a use specifically forbidden in such other district or subdistrict.

"Animal Hospital," a clinic or hospital, with or without outside runs, for the diagnosis, treatment, or hospitalization of household pets.

"Annual Income" is defined as it is in 24 CFR Section 813.106 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Apartment Hotel," a building primarily for persons who have their residence therein, containing four or more apartments which do not have kitchens.

"Applicable Institutional Master Plan" or "Applicable IMP," with respect to a Proposed Institutional Project, means an Institutional Master Plan of the proponent of such Proposed Institutional Project approved by the Boston Redevelopment Authority and the Zoning Commission in accordance with applicable provisions of the code, and covering the project location.

"Applicant", any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of a neighborhood district article, or the authorized agent of any such person or entity.

"Art Use", the creation, manufacture, or assemblage of visual art, including two- or three-dimensional works of fine art or craft, or other fine art objects created, manufactured, or assembled for the purpose of sale, display, commission, consignment, or trade by artists or artisans; or classes held for art instruction.

"Artists' Mixed-Use", the use of all or a portion of a building for both art use and habitation.

"Automatic Telephone Exchange", a nonattended telephone switching or transmitting service.

"Automatic Teller Machine", a machine accessible to banking customers by means of a coded celluloid card or other similar device which permits limited automated consumer banking transactions, such as deposits, cash withdrawals, balance inquiries, and the purchase of travelers checks.

"Back Office", the use of a structure or land principally for clerical, data processing, or support staff functions and related services and occupations.

"Bakery", a place where baked goods are made or sold for off-premises consumption.

"Bank", a facility for the extension of credit and the custody, loan, or exchange of money, without a drive-in window.

"Bank, Drive-in", a bank which provides, as all or part of its services, one or more teller's windows for the use of persons while seated in motor vehicles.

"Banking and Postal Uses", automatic teller machine; bank; drive-in bank; or post office.

"Bar", an establishment devoted primarily to the retailing and on-premises drinking of alcoholic beverages. Such establishment may or may not serve food, and may or may not include dancing or entertainment.

"Barber Shop or Beauty Shop", a barber shop, beauty shop, or other facility where haircutting, hairdressing, shearing, facials, manicures, or related services are performed.

"Basement", that portion of a building which is more than thirty-five percent (35%) of the height of the story below grade.

"Bay Window", a fenestrated projection from the face of a building entirely contained within the following dimensions: (a) depth not to exceed five feet, (b) width not to exceed eighteen feet or seventy percent of the width of the building, whichever is the lesser, and (c) each side to form an angle with the face of the building of not less than one hundred thirty-five degrees. (Illustrated in Appendix 2 of this Code.)

"Bed and Breakfast", any owner-occupied dwelling unit in which three or fewer rooms or apartments without kitchen facilities are let on an overnight basis, primarily the temporary abode of persons who have their residence elsewhere, provided that food and beverage service is limited to breakfast for registered paying overnight guests at no additional cost, that there are no exterior signs, that there are no retail sales on premises, and that the length of occupancy does not exceed fourteen days.

"Block", the lot or lots fronting on the same side of the same street between two streets intersecting such street on such side with no other such intersecting street intervening.

"Board of Appeal", the Board of Appeal in the Inspectional Services Department of the City.

"Boat Rental Establishment", any use or establishment that involves the renting, hiring, or instruction in the use of any sailboat, rowboat, or other Recreational Vessel that does not require an operator's license by the United States Coast Guard or the conferring of seasonal use privileges in a fleet of such Recreational Vessels.

"Building", a structure forming a shelter for persons, animals, or property and having a roof, exclusive, however, of such frameworks and tents as are customarily used exclusively for outdoor carnivals, lawn parties, or like activities. Where the context allows, the word "building" shall be construed as though followed by the words "or part thereof".

"Building Line", the line in conformity with the alignment of existing buildings in the same block, at a distance from the street line equal to the yard depth occurring most frequently on that block, as measured by lot widths along the street line. The distance from the street line to the building line shall be calculated in accordance with the method described in the definition of "Existing Building Alignment".

"Building Commissioner", the Building Commissioner, or successor, including but not limited to the Commissioner of Inspectional Services, of the City.

"Building Height", the vertical distance from grade to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding roof structures and penthouses normally built above the roof and not used or designed to be used for human occupancy, provided that the

total area of such roof structures and penthouses does not exceed 33-1/3 percent of the roof area. A mansard roof shall be considered a flat roof.

Where a maximum building height is specified in this Code, or in a second numerical suffix in the designation of subdistrict as provided in a neighborhood district article, no building or part of a building in a district, and devoted to a use specified, shall exceed the number of stories or feet in height so specified except as provided below:

1. The maximum building height regulation shall not apply to belfries, cupolas, domes, monuments, church spires, water towers, observation towers, radio towers, transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flag poles, aerials, elevator headhouses, water tanks, monitors, signs, or other structures normally built above the roof and not devoted to human occupancy, but such structures shall be erected only to such heights, and cover only such areas, as are necessary to accomplish the purpose they are intended to serve; and
2. Wherever a legally existing structure not excepted under paragraph 1 above exceeds the height limit specified in a neighborhood district article on a lot in the same district as, and adjoining, the lot on which such legally existing structure is located a structure may be built to a height greater than said height limit, but shall not project above a line drawn between the highest point of said legally existing structure and any point at the height limit whose distance from said highest point is three times the height of said highest point above the height limit.

"Bulkhead", a vertical structure used to create an edge between the land and the water against which Vessels can be placed to unload or engage in other activities.

"Chapter 91", M.G.L. Chapter 91 and implementing regulations, codified as of the effective date of this article at 310 C.M.R. 9.00, as said statute and regulations may, from time to time, be amended.

"City", the City of Boston.

"Clinic", a place for the medical or similar examination and treatment of persons as outpatients.

"Cleaning Plant", a laundry plant, dry-cleaning plant, or rug cleaning plant.

"College or University Use," means college or university use, including subuses such as classrooms, dormitories, student housing, eating facilities, research laboratories, athletic facilities, libraries, faculty and other offices, museums, auditoria and other facilities of public assembly, parking, and other similar uses. Property

owned or occupied by a college or university not having a use that is substantially related to education at the post-secondary level, research, scholarship, or student life shall not be deemed to be a college or university use merely by reason of such ownership or occupancy. College or university use shall not include property held by a college or university for investment purposes only. College or university subuses shall not be treated as accessory or ancillary uses subject to Article 10 or as independent uses. The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project unless the new subuse is a High Impact Subuse. A college or university subuse is a High Impact Subuse if it is a dormitory, student housing, athletic facility, facility of public assembly, parking facility, power plant, or centralized heating or cooling plant.

"Columbarium", a vault with niches for cinerary urns.

"Commission", the Zoning Commission of the City.

"Commonwealth Tidelands" has the meaning ascribed in Chapter 91.

"Community Center", a facility providing educational, recreational, and social services to the community.

"Community Uses", adult education center; community center; day care center; day care center, elderly; library; place of worship; monastery; convent; or parish house.

"Cultural Uses", art gallery; art use; auditorium; cinema; concert hall; museum; public art display space; studio, arts; studio, production; theatre; or ticket sales.

"Custodial Care Facility", a facility which provides protective supervision and guardianship for drug addicts, alcoholics, or mentally ill or mentally deficient persons.

"Day Care Center", any facility operated on a regular basis whether known as a day nursery, nursery school, child play school, progressive school, child development center, or preschool, or known under any other name, which receives children not of common parentage under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

"Day Care Center, Elderly", any facility operated on a regular basis which receives elderly persons for nonresidential custody or care during part or all of the day.

"Dormitory", any dwelling (other than a fraternity or sorority house) occupied primarily as a place of temporary abode by persons attending educational institutions.

"Dormitory and Fraternity Uses", a dormitory, or fraternity.

"Dwelling", a building or structure used in whole or in part for human habitation.

"Dwelling, Detached", a dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.

"Dwelling, Multifamily", a building containing four or more dwelling units, but not including a motel.

"Dwelling, Semi-Attached", a dwelling attached to another dwelling on a separate lot by a firewall only on one side, and containing one or two dwelling units.

"Dwelling Unit", a room or group of rooms forming a habitable unit for one family, or one group residence limited as defined in this Section 2A-1, with facilities used or intended to be used for living, sleeping, cooking, and eating; but not including any use contained in artists' mixed uses.

"Educational Uses", college or university; elementary or secondary school; kindergarten; professional school; or trade school.

"Elderly Housing", a multifamily dwelling occupied exclusively by elderly residents, containing a common eating area, and providing social and personal care, but not medical care.

"Entertainment Uses", adult entertainment; amusement game machines in commercial establishment; amusement game machines in noncommercial establishment; bar; bar with live entertainment; bowling alley; billiard parlor; dance hall; drive-in theater; fitness center or gymnasium; private club not serving alcohol; private club serving alcohol; restaurant with live entertainment not operating after 10:30 p.m.; or restaurant with live entertainment operating after 10:30 p.m.

"Erect", to construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

"Executive Suites", any dwelling (other than a boarding house, dormitory, fraternity, lodging house, sorority house, hotel, motel, or apartment hotel) in which

living space, with kitchen facilities, is let to fewer than ten persons who are not within the second degree of kinship, primarily the temporary abode of persons living elsewhere.

"Extend", to increase in area or volume.

"Existing Building Alignment", the distance between the street line and the face of the building which, as measured by lot widths along said street line, occurs most frequently. The method for making this calculation shall be as follows:

1. For each developed lot on the same side of the same street the distance between the street line and the nearest building is measured. The measurement is rounded off to the nearest half foot if the said buildings are attached and to the nearest foot if the said buildings are detached. The width of each lot is then measured. These measurements may be scaled off from a reliable plan or map.
2. The widths of all lots with the same front yard depth are added up.
3. The front yard depth with the largest total width is the minimum front yard depth for the block. If two or more front yard depths have equal lot widths, the one closest to the required front yard shall be the minimum front yard depth.

The existing building alignment may also be referred to as the modal front yard depth.

In a block in which there is a uniform or dominant building line at the upper story level which differs from the modal front yard depth because of ground floor projections, no structure in excess of one story shall be built between the minimum front yard depth and the faces of abutting buildings at the upper story levels.

"Facility of Public Assembly", auditorium, theater, concert hall, dance hall, drive-in theater, or stadium.

"Family", one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five (5) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family, except that a group residence, limited, as defined in this Section 2A-1 shall be deemed a family.

"Family Day Care Home", any dwelling unit which on a regular basis receives, for temporary custody and care during part or all of the day, children under seven years of age, or children under sixteen years of age if such children are children with special needs as defined in Massachusetts General Laws, Chapter 28A, Section 9;

provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the dwelling unit. Family day care home shall not mean a dwelling unit used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

"FAR", floor area ratio.

"Filled Tidelands", former submerged lands and tidal flats which are no longer subject to tidal action due to the presence of fill.

"Floor Area, Gross", the sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade, (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities.

"Floor Area Ratio", the ratio of gross floor area of a structure to the total area of the lot. Except as otherwise provided in this Code, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this Code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this Code. In calculating the area of the lot for the purpose of determining floor area ratio, the following parts of the lot shall be excluded: (a) every part required by any other structure or use to comply with any requirements of this Code, and (b) every part the ownership of which is transferred subsequent to the effective date of this Code if such part is required for compliance with the provisions of this Code concerning minimum lot size, lot width, lot frontage, minimum usable open space per dwelling unit, and front yard, side yard, and rear yard inclusive, applicable to the lot from which such transfer is made. (Illustrated in Appendix 2 of this Code.)

"Flowed Tidelands", present submerged lands and tidal flats which are subject to tidal action at the time of license application under Chapter 91.

"Fraternity", a fraternity or sorority house, or other facility for housing a social or service organization of college students.

"Funerary Uses", a cemetery; columbarium; crematory; funeral home; or mortuary chapel.

"Garage with Dispatch", a building or part of a building wherein motor vehicles, such as taxicabs or ambulances, are dispatched from and are housed or stored when not in use.

"Gasoline Station", an area of land, including any structures on the area, used for the retail sale of motor fuel and lubricants. A gasoline station shall not include an automobile laundry, car wash, repair garage, or local retail business establishment.

"General Manufacturing", the mechanical or chemical transformation of materials or substances into new products. General manufacturing may also include the blending of materials or the assembling of component parts of manufactured products.

"General Manufacturing Use", general manufacturing that may include a light manufacturing use but does not consist entirely of such a use and that does not include a restricted industrial use. Performance standards, as defined in this Article, are applicable to any General Manufacturing Use.

"General Office", the use of a structure or land principally for office space. Such use shall not involve manufacturing, repair, or storage of materials, goods, or products which are physically located on the premises.

"General Retail Business", a department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage.

"Grade", the average elevation of the nearest sidewalk at the line of the street or streets on which the building abuts, except in the case of a building not abutting on a street, the average elevation of the ground between the building and the lot line or a line twenty (20) feet from the building, whichever is nearer; but in no event shall the average elevation of such ground be taken to be more than five (5) feet above or below the average elevation of the ground immediately contiguous to the building.

"Ground Floor Ceiling Height", the height of the underside of the floor structure of the second floor.

"Grounds for Sport, Private", private grounds for games and sports, not conducted for profit, including but not limited to areas providing private recreational facilities such as playgrounds, parks, swimming pools, and playing fields.

"Group Care Residence, General", premises for the residential care or supervision (but not including custodial care) of ex-alcoholics, ex-drug addicts, pre-release or post-release convicts or juveniles under seventeen years of age who are under the care of correctional agencies of the Commonwealth, but not including

premises licensed, regulated, or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

"Group Residence, Limited", premises licensed, regulated or operated by the Commonwealth of Massachusetts or operated by a vendor under contract with the Commonwealth for the residential living, care, or supervision in any single dwelling unit of five or more mentally ill or mentally retarded persons or persons with disabilities.

"Health Care Uses", clinic; clinical laboratory; custodial care facility; group care residence, general; hospital; or nursing or convalescent home.

"High/Low Tide Line", the present arithmetic mean of the water heights observed at high or low tide, as applicable, over a specific 19-year Metonic Cycle (the National Tidal Datum Epoch) and shall be determined using hydrographic survey data of the National Ocean Survey of the U.S. Department of Commerce.

"Historic Building", any building listed from time to time in the Massachusetts Register of Historic Places.

"Homeless Shelter", a facility providing temporary housing for one or more individuals who are otherwise homeless.

"Hospital Use," means hospital use, including subuses such as health care facilities, patient rooms, eating facilities, offices, out-patient clinics, research and clinical laboratories, libraries, auditoria and other facilities of public assembly, nursing schools, nursing residences, parking, and other similar uses. Property owned or occupied by a hospital not having a use that is substantially related to the provision of in-patient or out-patient health care, including care for those with acute illnesses or injuries, shall not be deemed to be a hospital use merely by reason of such ownership or occupancy. Hospital use shall not include property held by a hospital for investment purposes only. Hospital subuses shall not be treated as accessory or ancillary uses subject to Article 10 or as independent uses. The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project unless the new subuse is a High Impact Subuse. A hospital subuse is a High Impact Subuse if it is a facility of public assembly, nursing residence, parking facility, power plant, or centralized heating or cooling plant.

"Hotel", a building (other than a dormitory) containing four or more apartments without kitchens, or containing sleeping accommodations for ten or more persons, primarily the temporary abode of persons who have their residences elsewhere.

"Hotel and Conference Center Uses", bed and breakfast; conference center; executive suites; hotel; or motel.

"Industrial Uses", artists' mixed-use; cleaning plant; general manufacturing use; light manufacturing use; printing plant; or restricted industrial use.

"Inspectional Services, or Inspectional Services Department, Commissioner of": See "Building Commissioner."

"Institutional Uses", College or University Uses, Hospital Uses or Nursing or Convalescent Home Uses.

"Kennel", a facility for the breeding or boarding of animals that has outside enclosures for the animals.

"Light Manufacturing ", manufacturing typically having low impacts on the surrounding environment. Light manufacturing includes the design, development, compounding, packaging, processing, fabrication, altering, assembly, finishing, packaging, repairing, servicing, renting, testing, handling, or transfer of products.

"Light Manufacturing Use," light manufacturing of products such as:

Ceramic products, including pottery and glazed tile;

Construction equipment and products;

Gas, diesel, and electrical machinery, equipment, or supplies;

Electronic and communication products, including, but not limited to, computer equipment, sound equipment, and household appliances;

Fish or other food products, except processing;

Instruments for engineering, medical, dental, diagnostic, scientific, photographic, optical, or other similar professional use;

Metal and wood products;

Office equipment or machinery;

Pharmaceutical or diagnostic products;

Cosmetics and toiletries;

Textile products including, but not limited to, products from the following:

canvas, burlap, cotton, knit goods, rope, and twine;

Photographic supplies, including processing solutions; and

Supplies related to printing or engraving.

Performance standards, as defined in this Article, are applicable to Light Manufacturing Uses.

"Landmark", any building or structure from time to time designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.

"Local Retail Business", a store primarily serving the local retail business needs of the residents of the neighborhood, but not constituting an adult bookstore or adult entertainment business, including, but not limited to, store retailing or renting one or more of the following: food, baked goods, groceries, drugs, videos, computer

software, tobacco products, clothing, dry goods, books, flowers, paint, hardware, and minor household appliances, but not including a bakery or liquor store.

"Lodging House", any dwelling (other than a dormitory, fraternity, sorority house, hotel, motel, or apartment hotel) in which living space, without kitchen facilities, is let to five or more persons who are not within the second degree of kinship. Board may or may not be provided to such persons.

"Lot", a parcel of land including land under water, whether or not platted, in single ownership, and not divided by a street.

"Lot Area", the horizontal area of the lot exclusive (a) of any area in a street or private way open to public use, and (b) of any fresh-water area more than ten (10) feet from the shoreline, and (c) of any salt-water area below the mean high-tide line. In computing the area of a lot or the dimensions of the yards required for any building or use, there shall not be included any land which was used to meet the minimum area or minimum yard space required by law for any other building or use at the time of its erection or inception, and which would be required to meet the requirements of this code for such other building or use. This prohibition shall apply whether or not such land is still in the same ownership as when it was used as aforesaid.

"Lot Area per Dwelling Unit", where a minimum lot area for each additional dwelling unit is specified in this Code, the minimum lot area for the first dwelling unit on the lot shall be the minimum lot size; and the minimum additional lot area for each additional dwelling unit thereon shall be the minimum lot area for each additional dwelling unit specified in said code. For residential structures not divided into dwelling units, each two (2) sleeping rooms for single or double occupancy and each four (4) beds in sleeping rooms that contain beds for more than two (2) persons shall be deemed to constitute one (1) dwelling unit; provided that a limited group care residence as defined in this Article shall be deemed to constitute one (1) dwelling unit for purposes of this Article. For nonresidential structures, and for structures where nonresidential uses are combined with residential uses, each fifteen hundred (1,500) square feet of gross floor space devoted to nonresidential uses shall be deemed to constitute one (1) dwelling unit.

"Lot, Corner", a lot with boundaries abutting on, and meeting at the intersection of, two streets when the lines of such boundaries form within such lot at such intersection an angle of not more than 135 degrees. In the case of a curved boundary, the tangent to such curved boundary at its point of intersection with another boundary of the lot shall be deemed to be the line of such boundary for the purposes of this definition.

"Lot, Depth", the horizontal distance between the front and rear lot lines measured by the length, within the lot, of a straight line connecting the midpoint of a

straight line between the foremost points of the side lot lines with the midpoint of a straight line between the rearmost points of the side lot lines.

"Lot Line, Front", the line separating the lot from the street. The owner of a lot abutting on two or more streets may designate as the front lot line whichever of the two widest streets he chooses.

"Lot Line, Rear", the line which most nearly qualifies as the line most distant and opposite from the front lot line; where the lot is irregularly shaped, a line perpendicular to the mean direction of the side lot lines, and at least ten feet in length within the lot.

"Lot Size", where a minimum lot size is specified in this Code, no main building shall be erected, nor main use established, on any lot for which such size is specified, if such lot is of lesser size, except if specifically provided.

"Lot Width", the shortest horizontal distance between the side lot lines measured perpendicular to the mean direction of two straight lines, one between the foremost and rearmost points of one side lot line, and the other between the foremost and rearmost points of the other side lot line. Where a minimum lot width is specified in this Code, no main building shall be erected on that part of a lot where the lot width is less than that specified, except if specifically provided.

"Low-Income Household", any household whose Annual Income does not exceed fifty percent (50%) of the median gross income of households in the Boston Standard Metropolitan Statistical Area.

"Main Building", a building, not including a dwelling, that is not an accessory building.

"Main Shipping Channel", the shipping channel for deep draft vessels in the Boston Inner Harbor as depicted by dashed lines on that certain chart issued by National Oceanic and Atmospheric Administration as chart number 13272 and entitled "Boston Inner Harbor," 39th Edition, dated November 24, 1984.

"Mansard Roof", a sloping roof having a pitch of more than sixty (60) degrees to the horizontal. The floor under a mansard roof shall be considered a Story as defined below.

"Median Gross Income" is defined as it is by the United States Department of Housing and Urban Development, pursuant to 24 CFR Section 813.102 (1986), as amended, or as set forth in regulations adopted in accordance with a neighborhood district article.

"Mobile Home", a dwelling, other than a recreational vehicle, that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation.

"Mobile Home Park", a parking space for two or more mobile homes used as dwellings.

"Modal Front Yard depth": See "Existing Building Alignment".

"Moderate-Income Household", any household whose annual income does not exceed eighty percent (80%) of the median gross income of households in the Boston Standard Metropolitan Statistical Area.

"Mortuary Chapel", a facility in a cemetery in which bodies are prepared for burial or cremation or funeral services are conducted.

"Motel", a hotel primarily for transients travelling by automobile, with a parking space on the lot for each lodging unit, and with access to each such unit directly from the outside.

"Motor Freight Terminal", a building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units, and other trucks are parked or stored.

"Music store", a store for the sale of musical instruments and sheet music.

"Natural High/Low Tide Line", the historic high/low tide line that would be observed except for alteration of the shoreline by filling, dredging, or impounding.

"Neighborhood Council", any neighborhood-based council established by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding any municipal issues of neighborhood concern.

"Nonconforming Use", a use of a structure or lot that does not conform to a regulation prescribed by this code for the district in which it is located; provided that such use was lawfully in existence on the effective date of this code or, in the case of a use made nonconforming by an amendment of this code, on the effective date of such amendment.

"Nursing or Convalescent Home Use," means nursing or convalescent home use, including subuses such as patient rooms, health care facilities, nursing residences, eating facilities, mechanical facilities, and other similar uses. Property owned or occupied by a nursing or convalescent home not having a use that is substantially related to the provision, by a facility licensed by the state as a nursing,

convalescent, or rest home, of care and minor medical treatment for patients in order that they may recover from a medical infirmity, or of long-term care of the elderly or infirm, shall not be deemed to be a nursing or convalescent home use merely by reason of such ownership or occupancy. Nursing or convalescent home use shall not include property held by a nursing or convalescent home for investment purposes only. Nursing or convalescent home subuses shall not be treated as accessory or ancillary uses subject to Article 10 or as independent uses. The substitution of one such subuse for another such subuse shall not by itself constitute a Proposed Institutional Project unless the new subuse is a High Impact Subuse. A nursing or convalescent home subuse is a High Impact Subuse if it is a facility of public assembly, nursing residence, parking facility, power plant, or centralized heating or cooling plant.

"Occupied" shall include the words "designed, arranged, or intended to be occupied".

"Office Uses", agency or professional office, back office, or general office.

"Open Space," open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources; including but not limited to the waterway areas, beaches, reservations, parks, and playgrounds within the boundaries of the City of Boston; or open space in private ownership for active or passive recreational use or for the conservation of natural resources.

"Open Space Recreational Building", a structure on an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area.

"Open Space Uses", golf driving range; grounds for sport, private; open space; open space recreational building; outdoor place of recreation for profit; or stadium uses.

"Outdoor Storage of Damaged or Disabled Vehicles", outdoor storage of damaged or disabled motor vehicles, with no dismantling of motor vehicles or sale of used parts on the lot.

"Outdoor Storage of New Materials", outdoor storage of new building materials, contractor's equipment, machinery, metals (other than scrap and junk), and the like.

"Outdoor Storage of Junk and Scrap", outdoor storage of second-hand lumber or other used building material, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles.

"Parapet Line", a horizontal line at the mean height of the wall of the building nearest to, and substantially parallel with, the lot line from which a setback is being measured.

"Penal Institution", a facility for the incarceration of persons under warrant, awaiting trial on felony or misdemeanor charges, or serving a sentence upon conviction.

"Performance Standards", requirements to be met by Light Manufacturing Use, General Manufacturing Use, and Restricted Industrial Use. The following effects shall not be allowed from any such use:

1. Any emission of any air, water, or other pollutants or of radiation or any release of toxic or biohazardous material in violation of federal, state, or local standards or regulations.
2. Any emission beyond the boundaries of the lot that is known to or can be shown to endanger human health or cause significant damage to property or vegetation.
3. Any surface water or groundwater contamination that exceeds any applicable state or federal regulations.
4. For a Light Manufacturing or General Manufacturing Use, any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, which emanates more than fifty (50) feet beyond the boundaries of the lot upon which the use is located (or more than twenty (20) feet if the abutting lot into which such emanation occurs is within a Residential, Conservation Protection, Community Facilities, or Open Space Subdistrict), is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

For a Restricted Industrial Use, any noise, air pollutant, vibration, dust, odor, change of temperature, or direct glare of lighting, which emanates more than one hundred (100) feet beyond the boundaries of the lot upon which the use is located (provided that no such emanation occurs onto a lot within an abutting Residential, Conservation Protection, Community Facilities or Open Space Subdistrict), is detectable at such distance by human senses without aid of instruments, and is of sufficient quantity or duration to cause significant annoyance or interference with normal activities.

"Physically Handicapped Person" shall be as defined in Chapter 521 of the Code of Massachusetts Regulations, as amended.

"Pier", any structure that extends seaward of the High Tide Line, but excluding any floating structure.

"Pierhead Line", the seaward limit of Pier construction as established in applicable law of the Commonwealth of Massachusetts.

"Planning and Zoning Advisory Committee", any neighborhood-based committee appointed by the Mayor to render advice to neighborhood residents, the Mayor, city departments, and the Boston Redevelopment Authority regarding land use planning and zoning issues.

"Private Club", facilities used or operated for a purpose such as, but not limited to, a fraternal, social, recreational, or athletic purpose, including a health club.

"Private Tidelands" has the meaning ascribed in Chapter 91.

"Professional School", an institution which offers courses of instruction in any of several fields of study and/or in a number of professions or occupations, and which is not part of a college, university or trade school.

"Proposed Institutional Project," a Proposed Project occupied or to be occupied for Institutional Uses upon issuance of a building, use, or occupancy permit.

"Proposed Project", the erection, extension, or substantial demolition of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit.

"Public Agency", a department, agency, board, commission, authority, or other instrumentality of the Commonwealth of Massachusetts, or of one or more political subdivisions of the Commonwealth, or of the United States.

"Public Boat Ramp", any ramp structure that provides public access to or egress from the water for Vessels.

"Public Assembly Uses", for the purposes of off-street parking requirements, such uses are entertainment uses, funerary uses, places of worship, or restaurant uses.

"Public Open Space", an open space in public ownership devoted or to be devoted to a public use with only minor accessory buildings, if any. No structure that exceeds twenty (20) feet in height or two thousand (2,000) square feet in gross floor area shall be considered to be a part of such public open space. "Public open space" shall be construed to include a street.

"Public Service Uses", automatic telephone exchange; courthouse; fire station; penal institution; police station; pumping station; recycling facility (excluding toxic waste); solid waste transfer station; substation; or telephone exchange.

"Pumping station", a public service facility for transporting water, including pumps, piping, valves, and controls.

"Recycle", to recover materials or byproducts: (a) which are to be reused, or (b) which are to be employed as an ingredient or a feedstock in an industrial or manufacturing process to make a product, or (c) which are to be employed in a particular function or application as an effective substitute for a commercial product or commodity. Recycle does not mean to recover energy from the combustion of a material.

"Recreational Marina", any arrangement of docks, slips, Piers, pilings, moorings, or other facilities in or adjacent to the water, for use primarily by Recreational Vessels, including, but not limited to, any such facility associated with a yacht club or boat club.

"Recycling Facility", a facility which recovers and recycles solid waste for reuse. A recycling facility shall not include a drop-off center for general commercial or household waste.

"Research and Development Uses", basic laboratory; or product development or prototype manufacturing.

"Residential Uses", congregate living complex; elderly housing; group residence, limited; homeless shelter; lodging house; mobile home; mobile home park; multifamily dwelling; one-family detached dwelling; one-family semi-attached dwelling; orphanage; row house; temporary dwelling structure; three-family detached dwelling; townhouse; transitional housing; two-family detached dwelling; or two-family semi-attached dwelling.

"Restaurant", lunch room, restaurant, cafeteria, or other place for the service or sale of food or drinks for on-premises consumption, provided that there is no dancing nor entertainment other than phonograph, radio and television, and that neither food nor drink is served to, or consumed by, persons while seated in motor vehicles.

"Restaurant Uses", a drive-in restaurant, restaurant, or take-out restaurant.

"Restricted Industrial Use", a heavy manufacturing use typically having substantial impacts on the environment in which articles are usually mass produced from raw materials. A restricted industrial use includes but is not limited to any use which is objectionable or offensive because of special danger or hazard, or because of

cinders, dust, smoke, refuse matter, flashing, fumes, gases, vapor or odor not effectively confined to the lot.

Batching or casting of concrete, including handling and/or storage of cement, lime, sand, stone, or other aggregates.

Blending of disinfectants, exterminating agents, fungicides, or insecticides.

Curing, dyeing, washing, or bulk processing of feathers, felt, or hair.

Curing, dyeing, finishing, or tanning of fur or leather.

Curing, drying or smoking of fish or meat.

Disposal, handling, or storage of radioactive waste.

Distillation of wood or bones.

Energy production facilities.

Incineration or reduction of garbage or organic waste.

Manufacture of

Asphalt or asphalt products.

Charcoal, fuel briquettes, or lampblack.

Chemicals including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic rosins, or hydrochloric, picric, or sulphuric acids or derivatives.

Coal, coke, or tar products, including gas.

Fertilizers.

Gases in amounts exceeding two thousand cubic feet a day.

Gelatin, glue, or size.

Gypsum.

Linoleum or oil cloth.

Matches.

Paint, turpentine, or varnish.

Plastic (raw).

Rubber (natural or synthetic) including tires, tubes, or similar products.

Soaps or detergents, including fat rendering.

Reduction, refining, or smelting of metal or metal ores.

Refining of petroleum or petroleum products.

Removal of gravel, loam, sand, or stone except for reuse on the same lot or incidental to the erection of a building on such lot.

Sewage disposal plant.

Solvent extracting.

Storage of gases in amounts exceeding ten thousand (10,000) cubic feet.

Wool scouring or pulling.

Performance standards, as defined in this Article, are applicable to Restricted Industrial Uses.

"Retail Uses, adult bookstore; bakery, general retail business; liquor store; local retail business; outdoor sale of garden supplies; or similar use.

"Rounding Numbers, Rule For", when a decimal must be rounded to the nearest whole number, as in the case of off-street parking requirements, or to the nearest foot, and when the only digit dropped is .5, then if the last digit retained is an even number, it shall be left unchanged; but if the last digit retained is an odd number, it shall be increased to the next higher digit. In the case of rounding to the nearest half foot to determine the existing building alignment, if the only digits dropped are .25, the preceding digit shall be left unchanged; but if the only digits dropped are .75, the preceding digit shall be raised to the next higher number.

"Row House Building" or Row House", one of a group of three or more residential buildings on different Lots sharing common or party walls or fire walls, on one or both side lot lines.

"Roxbury Land Trust", a trust or other organization to be formed for the purpose of establishing a process for community participation in the disposition of certain publicly owned land in the Roxbury Neighborhood District.

"School", buildings, premises and parts thereof in which a regular course of public or private instruction is given.

"Scientific Laboratory", a facility devoted to the testing and analysis of scientific and applied research hypotheses through experimentation. No manufacturing is conducted on the premises except for experimental or testing purposes or the development of prototypes.

"Seasonal Dry Storage", the storage of Recreational Vessels on land for periodic use in the water during the active boating season, generally from April through October.

"Service Uses", animal hospital; barber or beauty shop; caterer's establishment; dry-cleaning shop; kennel; laundry, retail; laundry, self-service; photocopying establishment; shoe repair; tailor shop; or similar use.

"Shall", shall be considered mandatory and not directory.

"Sides" of a Pier means the edges of the Pier other than the edge connecting the Pier with dry land and other than the End of the Pier.

"Sign", any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation which is designed to be seen from outside a building and which advertises or announces a use conducted or goods, products, services or

facilities available, including electric signs in windows or doors, but excluding window displays of merchandise and signs incidental to the display of merchandise.

"Sign Area":

1. For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
2. For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background of a different color than the natural color of the building.
3. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, canopy, awning, wall, or window, the area shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all of the letters or symbols.
4. Only one face of a two-faced sign shall be counted in computing the area of a sign, or the total area of signs on a sign frontage or on a lot.

"Sign, Awning", a sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.

"Sign, Canopy", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is supported only partially by said building.

"Sign Design, Comprehensive", a plan submitted to the Urban Design Department of the Boston Redevelopment Authority for signs and related architectural features on a sign frontage, a building front, or a group of buildings.

"Sign Frontage", the length in feet along a ground floor building front, facing a street or a private way accessible from a street, which is occupied by a separate and distinct use; the length along a ground floor building side facing a street, which is occupied by a separate and distinct use or by the same use which occupies the front of said building.

"Sign, Marquee", a sign on or attached to a permanent overhanging shelter which projects from the face of a building and is entirely supported by said building.

"Sign, On-Premise", a sign which advertises or announces a use conducted or goods available on the lot on which the sign is located.

"Solid Waste Transfer Station", a facility where solid wastes are brought, stored, and transferred to vehicles for transport to the location of further processing or treating or ultimate disposal.

"State Building Code", the state building code and amendments and rules and regulations thereto as promulgated by the board of building regulations under sections ninety-three, ninety-four, and ninety-five of Chapter One Hundred Forty Three of the General Laws.

"Storage of Certain Materials", storage, outdoors or in silos or hoppers, of coal, coke or other solid fuel or of crushed stone, sand, or similar material.

"Storage Uses, Major", outdoor storage of new materials; outdoor storage of damaged or disabled vehicles; outdoor storage of junk and scrap; storage of certain materials; storage of flammable liquids and gases; warehousing; or wrecking yard.

"Story", that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, except that a space used exclusively for the housing above the roof of mechanical equipment of a building shall not be considered to be a story if access to such space may be had only for maintenance of such equipment.

"Story, First", the lowest story of which sixty-five percent (65%) or more of the height is above grade.

"Story, Half", a story used or designed to be used for human occupancy that has a floor area measured four (4) feet vertically from the floor of not more than one-half (1/2) the area of the floor next below and in which the ceiling area or plane, measured at a height of seven and one-third (7-1/3) feet above the floor, is a minimum of one-third (1/3) the area of the floor. For the purpose of determining Building Height, the floor area of a dormer on a dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of the existing structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation of a half story. However, the floor area of such dormers shall be included in gross floor area of the dwelling.

"Street", a public way, alley, lane, court, sidewalk, and such parts of public squares and public places as form travelled parts of highways.

"Street Line", the line separating a street from a lot.

"Street Wall" means the portion of the exterior wall (including recesses, bays, windows, doors, and other features) of a proposed project that fronts on a public street (excluding public alleys) and is below the streetwall height specified in a Neighborhood District article.

"Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof".

"Studio, Arts", a studio for professional work or teaching of music, dancing, or theatrical arts to students.

"Studio, Production", a studio for production of motion pictures, videos, or radio or television programs; or for radio or television broadcasting.

"Substation", a public service facility for transforming electricity for distribution to customers.

"Take-out Restaurant", sale over the counter, not wholly incidental to a local retail business, restaurant, or drive-in restaurant, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out. A take-out restaurant shall include any restaurant with an accessory drive-through restaurant and any restaurant which serves its food and beverages primarily in disposable containers and provides disposable tableware.

"Telephone Exchange", a telephone switching or transmitting service which is not automatic.

"Theatre", a structure used for dramatic, operatic, motion picture, or other performances.

"Ticket Sales", a structure or building or portion thereof, for the retail sale of tickets to performing, visual arts, sports, cultural or community events.

"Tidelands", present and former submerged lands and tidal flats lying between the Natural High Tide Line and the seaward limit of state jurisdiction.

"Town House Building" or "Town House", one of a group of three or more residential buildings on one lot, sharing common or party walls or fire walls, with each building having a separate entrance.

"Trade Uses", a carpenters shop; electrician's shop; machine shop; photographer's studio; plumber's shop; radio/television repair shop; upholsterer's shop; or similar use.

"Transit Corridor", any interstate, state, or local highway or rail line which lies below the grade level of abutting parcels of land, not including abutting transit corridors which lie below grade level.

"Transitional Housing", a building, or portion thereof, in which temporary residential accommodations are provided for persons or families who are not related to the owner, operator, or manager. Such residential accommodations shall be operated by a nonprofit organization, and shall include social services, on site or off site, to assist individuals or families living there. Transitional housing may contain a common kitchen and eating area and shared bathroom facilities.

"Transportation Uses", an airport; bus terminal; garage with dispatch; helicopter landing facility; motor freight terminal; rail freight terminal; railroad passenger station; or water terminal.

"Truck or Bus Servicing or Storage", yard for storing or servicing trucks or buses.

"Usable Open Space", space suitable for recreation, swimming pool, tennis court, gardens, or household service activities, such as clothes drying. Such space must be at least seventy-five percent (75%) open to the sky, free of automotive traffic, parking, and undue hazard, and readily accessible by all those for whom it is required.

Where a minimum usable open space per dwelling unit is specified in this Code, there shall be allotted and maintained for lawful outdoor uses other than off-street parking on every lot within the district, and devoted to the use specified, for each dwelling unit intended for family occupancy the minimum usable open space so specified. So much of the front, side, and rear yards required by this Code for the lot as is not devoted to an accessory building or off-street parking or driveway purposes shall be included in computing usable open space for the purposes of this Article.

Minimum usable open space per dwelling unit requirements shall not apply to hotels, motels, hospitals, dormitories, or other residential structures intended and designed primarily for transient occupancy.

"Use", as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented, or leased to be used".

"Vacant Public Land", any land owned by a public agency that is not in use for an essential public purpose.

"Vehicular Uses", bus servicing or storage; carwash; gasoline station; indoor installation of automotive parts; indoor sale of automobiles and trucks; outdoor sale of new and used vehicles; parking garage; parking lot; rental agency for cars; rental agency for trucks; repair garage; or truck servicing or storage uses.

"Vessel", means any watercraft, including, but not limited to, a Commercial Vessel or Recreational Vessel, but not including any floating structure permanently moored or attached to land or a Pier.

"Vessel, Commercial", any Vessel used for the principal purpose of engaging in a water-related commercial activity, including, but not limited to, charter boat, fishing boat, tug boat, cruise boat, freighter, or barge.

"Vessel, Recreational", any Vessel used principally for recreational purposes.

"Warehousing", the holding or storing of goods, wares, or merchandise as a main use in a building, whether for the owner or for others.

"Water Terminal", a water freight or passenger terminal facility, including docks, piers, wharves, storage sheds for water-borne commodities, and rail and truck facilities accessory to a waterborne freight terminal.

"Wholesale Business", a facility for the sale of goods, merchandise, or commodities, in gross, primarily for the purpose of resale.

"Wholesale Use", or a wholesale business.

"Wrecking Yard", wrecking and dismantling of motor vehicles.

"Yard, Front", an open space extending across the full width of the lot and lying between the front lot line and the nearest building. Where a minimum depth of front yard is specified in this Code, so much of every lot within the district or subdistrict specified, and devoted to the use specified, as lies between the street line and a line inside the lot parallel to, and such minimum depth from, the street line is hereby required as a front yard. Within a required front yard, no planting other than shade trees shall be maintained more than five (5) feet above the average natural grade of the front yard and no structure shall be erected except: (1) fences and walls not over five (5) feet in height above the average natural grade in such front yard; (2) steps, terraces, open porches without roofs, and the like, if not extending more than three (3) feet above the floor of the first story; and (3) signs that conform with Article 11. (See also "Lot Area".)

In the case of lots to which the existing building alignment depth applies, the required front yard shall be that portion of the lot as lies between the street line and a

line inside the lot parallel to and at the depth calculated to be the existing building alignment depth.

"Yard, Rear", an open space immediately behind the rearmost main building on the lot and extending across the full width of the lot. Except as otherwise provided in this Code, where a minimum depth of rear yard is specified for a district or subdistrict, so much of every lot within the district or subdistrict specified, and devoted to the use specified, as lies between the rear lot line and a line inside the lot parallel to, and such minimum depth from, the rear lot line is hereby required as a rear yard within which no structure shall be erected, except those projections allowed into side yards (see "Yard, Side" requirements) may project the same distance into rear yards but in no case within ten (10) feet of a rear lot line or within eight (8) feet of an accessory building. (See also "Lot Area".)

"Yard, Side", an open space along the side line of a lot, extending from the front yard line to the rear yard line; in the case of a side yard abutting on a street, extending to the rear lot line. Except as otherwise provided in this Code, where a minimum width of side yard is specified in this Code, so much of every lot within the district or subdistrict specified, and devoted to the use specified, as lies between the lot line on one side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, and also so much of every such lot as lies between the lot line on the other side of such lot and a line inside the lot parallel to, and such minimum width from, such lot line, are hereby required as side yards.

Within a required side yard, no planting other than shade trees shall be maintained more than six (6) feet above the average natural grade in such yard and no structure shall be erected except: (a) fences and walls not over six feet in height above said average natural grade in such side yard, (b) steps, terraces, open porches without roofs and the like, if not extending more than three (3) feet above the floor of the first story, (c) porches not over half the length of the side wall, ground story bays and open iron fire escapes, if not coming within three (3) feet of any side lot line and not extending more than three and one half (3-1/2) feet into the side yard, (d) other fire escapes, bays, balconies, chimneys, and flues, if not coming within three (3) feet of any side lot line and not extending into the side yard more than one-third (1/3) of the width of such yard nor more than three and one-third (3-1/3) feet in any event, (e) belt courses, leaders, sills, pilasters, lintels, and ornamental features, if not coming within three (3) feet of any side lot and not more extending more than one (1) foot into the side yard, and (f) cornices and gutters, if not coming within three (3) feet of any side lot line and not extending more than two (2) feet into the side yard. (See also "Lot Area".)

"Zoning Relief", any zoning variance, exception, conditional use permit, interim planning permit, or zoning map or text change, or any other relief granted by the Zoning Commission or the Board of Appeal.

SECTION 2A-2. Rules of Construction. Words importing the singular shall include the plural; and words importing the plural shall include the singular.

TO: CITY OF BOSTON, DEPARTMENT OF CITY PLANNING
 PAUL L. HARRIS, DIRECTOR

FROM: LINDA WOODRUFF, ASST. COMM. MGR.
 NEIGHBORHOOD PLANNING AND ZONING
 CITY OF BOSTON, PLANNER
 RICHARD CLARK, PLANNER

SUBJECT: PUBLIC HEARING REGARDING PROPOSED PERMANENT ZONING FOR
 DARTMOUTH STREET, BOSTON

RE: PUBLIC HEARING REGARDING PROPOSED PERMANENT ZONING FOR
 DARTMOUTH STREET, BOSTON. THE CITY OF BOSTON IS
 HOLDING A PUBLIC HEARING TO CONSIDER THE PROPOSED
 PERMANENT ZONING FOR DARTMOUTH STREET, BOSTON.

The City of Boston is holding a public hearing to consider the proposed permanent zoning for Dartmouth Street, Boston. The City of Boston is holding a public hearing to consider the proposed permanent zoning for Dartmouth Street, Boston. The City of Boston is holding a public hearing to consider the proposed permanent zoning for Dartmouth Street, Boston.

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- To provide a copy of the proposed zoning map to the City of Boston.
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- To provide a copy of the proposed zoning map to the City of Boston.

ADOPTED

MEMORANDUM

OCTOBER 1, 1992

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PAUL L. BARRETT, DIRECTOR

FROM: LINDA MONGELLI HAAR, ASSISTANT DIRECTOR FOR
NEIGHBORHOOD PLANNING AND ZONING
GARY R. BROWN, PLANNER
RICHARD SHAKLIK, PLANNER

SUBJECT: PUBLIC HEARING REGARDING PROPOSED PERMANENT ZONING FOR
EAST BOSTON (ARTICLE 53)

SUMMARY: PUBLIC HEARING REGARDING REQUEST FOR AUTHORIZATION TO
PETITION THE ZONING COMMISSION TO ADOPT ARTICLE 53, EAST
BOSTON NEIGHBORHOOD DISTRICT ZONING, AND RELATED
AMENDMENTS TO ARTICLE 2A (NEIGHBORHOOD DISTRICT
DEFINITIONS)

The East Boston Interim Planning Overlay District (IPOD) was adopted in 1988. Since that time an extensive planning process has been undertaken with the East Boston Planning and Zoning Advisory Committee holding over 100 open public meetings to discuss and address a variety of issues facing the community including housing, business and manufacturing growth, the expansion of Logan Airport and airport related activities, transportation and open space systems, and design, height and environmental standards.

The proposed East Boston Neighborhood District Zoning (Article 53) is the result of an extensive long-range planning effort which builds upon the initial community efforts articulated in the IPOD and codifies the community's aspirations for the East Boston neighborhood.

Through the community planning process, goals and objectives were identified to guide the rezoning effort in keeping with community needs. The following goals were articulated and incorporated into the proposed East Boston Neighborhood District Zoning Article:

- To preserve and enhance the East Boston neighborhood;
- To promote land uses which provide a viable neighborhood economy and jobs for East Boston and city residents;
- To maintain the maritime economy of the city;
- To enhance the urban design character of the neighborhood;
- To protect existing residential uses from any adverse effects of industrial uses and airport uses;
- To maintain the stock of affordable housing and provide for affordable

and market rate housing for families and individuals;

- To preserve, enhance and create quality open space; and
- To protect the environment and improve the quality of life.

East Boston Context

East Boston is an historic and vital urban neighborhood of approximately 33,000 residents that co-exists with an international airport, major transportation networks, industrial land uses, and maritime development. Culturally and ethnically diverse, East Boston has a distinctive architectural and topographic character. Attractive residential areas with tree-lined streets are tied together by a series of major thoroughfares that also connect East Boston's major commercial and service centers. Neighborhood commercial areas at Orient Heights Square, Day Square, Maverick Square and Central Square provide a wide range of retail services to the neighborhood. Preserving the quality of residential areas, including the integrity of East Boston's several architecturally significant neighborhoods and enhancing neighborhood retail areas are overriding concerns of the East Boston community. The expansion of non-residential uses, such as airport related activities and the deterioration of neighborhood amenities in recent decades has adversely impacted residential stability. The growth of airport-related activities, for example has aggravated traffic congestion in residential areas of East Boston and competed with more desirable community-related land uses such as parks, neighborhood stores, and light industrial uses. The need to protect and enhance open space is especially important to the community since East Boston has lost considerable parkland to airport-related development. Opportunities to expand and connect open space, particularly as part of waterfront redevelopment, could greatly enhance the residential environment of East Boston. Also of importance to the East Boston community is the creation of jobs for neighborhood residents. The expansion of employment opportunities for the neighborhood with the revitalization of underutilized or deteriorated industrial and maritime areas, would strengthen the neighborhood economy while improving the visual quality of East Boston.

East Boston Zoning

The East Boston Neighborhood District zoning addresses the unique characteristics of East Boston and the need to balance often conflicting land uses while maintaining environmental quality. The provisions of the East Boston Neighborhood District protect the positive qualities of the neighborhood but also encourage appropriate new development and growth to reinforce and strengthen East Boston.

The proposed East Boston Neighborhood District Zoning Article provides a means for attaining the community's vision for East Boston by establishing the legal parameters of land uses, densities, and design for future development. The zoning establishes new residential, commercial, industrial, waterfront, economic development, open space, and other zoning subdistricts and a new zoning map to achieve the land use goals developed by the community.

Residential Subdistricts. In recognition of East Boston's existing residential character and potential for residential expansion, five types of residential subdistricts have been developed. The purpose of these subdistricts is to maintain and enhance the character of residential neighborhoods, specifically its density, housing type, and design; to provide for low density and medium density multifamily housing conforming to the existing built environment; and to encourage appropriate development of housing designed to enhance the neighborhood while preventing overdevelopment.

Neighborhood Business Subdistricts. Two types of neighborhood business subdistricts have been created to encourage the development of neighborhood businesses in those areas which provide essential goods and services as well as jobs and entrepreneurial opportunities for the East Boston community. Neighborhood Shopping Subdistricts provide convenience goods and services to subareas within the neighborhood and Community Commercial Subdistricts provide a diversified commercial environment serving larger markets.

Local Industrial Subdistrict (LIS). The Eagle Hill Local Industrial Subdistrict is established to encourage the preservation of existing manufacturing which is sensitive to the surrounding neighborhood and to encourage the development of new job opportunities.

Economic Development Areas (EDA). Three EDA's are designated to encourage economic growth of a quality and scale appropriate to the surrounding neighborhood and to encourage the diversification and expansion of the economy through encouraging scientific research and development, biomedical, light manufacturing, office, laboratory or similar uses. Two of these EDA's are proposed along the McClellan Highway with the third located west of Bennington and north of Saratoga streets in the Orient Heights section of East Boston.

Conservation Protection Subdistricts (CPS). The Orient Heights CPS is established to ensure that development in areas of natural beauty is harmonious with significant natural features and resources.

Community Facilities Subdistricts (CFS). The CFS encourages the development and expansion of important community-based facilities in East Boston which provide educational and cultural services to the community. The East Boston Harborside Community School complex and high school are proposed for such designation.

Corridor Enhancement Subdistrict (CES). The CES is situated along the Bremen Street/Conrail corridor to provide opportunities for development and/or open space uses that protect and enhance the overall quality of life within East Boston and provide buffers between residential uses and industrial uses, airports, or major transportation facilities.

Open Space Subdistricts (OSS). Open Space Subdistricts protect publicly-owned resources to enhance the quality of life for city residents and prevent the loss of designated open space to commercial development. Within East Boston twenty seven locations are designated including two cemeteries, one community garden, fifteen

recreational area, one shorland beach, two urban plazas, four urban wild locations and one waterfront access park location.

Logan International Airport Subdistrict (LIA). The LIA is developed to accommodate those uses necessary for the operation of an international airport while confining those uses within airport boundaries and protecting the neighborhood from adverse impacts.

Chapter 91 Provisions and Waterfront Subdistricts. The primary goals of the Waterfront Subdistricts are to provide public access to waterfront opportunities, protect and enhance maritime industries, manage waterfront growth to bring vitality and economic and social benefits to the community. Waterfront Subdistricts include Waterfront Service Subdistricts, Waterfront Manufacturing Subdistricts, Maritime Economy Reserve Subdistricts, Waterfront Community Commercial Subdistricts, Waterfront Residential Subdistricts, and Waterfront Community Facilities Subdistricts.

Neighborhood Design Overlay Districts (NDOD) Four NDOD's are designated to protect the existing scale, quality of the pedestrian environment, character of residential neighborhoods and concentrations of architecturally significant buildings. These Districts are proposed for the crest of Jeffries Point and northern slope of Eagle Hill as well as the architecturally significant areas in the Gove Street and Bayswater sections of East Boston.

Special Study Overlay Areas. Three Special Study Overlay Areas are established to allow for the development of comprehensive plans to address the appropriate mix of uses and zoning controls to guide future development in each area. Although new underlying zoning is proposed, the overlay signals where that further or future study may be appropriate due to their vacant or under utilized condition or their lack of an established pattern of land uses and need to integrate potential streets, buildings and open space.

Development and Design Review. Development and design review are required of certain projects to ensure that growth is compatible with the character of buildings and landscape and that new development enhances the community visually, economically, and environmentally.

BRA staff respectfully request that the Board petition the Zoning Commission to adopt Article 53, text and map amendments.

An appropriate vote follows:

VOTED: That the Director is authorized to petition the Zoning Commission to adopt Article 53 (East Boston Neighborhood District) text and map amendments, and related amendments to Article 2A (Neighborhood District Definitions) in substantial accord with the amendments submitted at the BRA Board meeting of October 1, 1992.

CERTIFICATE OF VOTE

The undersigned hereby certifies as follows:

(1) That he is the duly qualified Secretary of the Boston Redevelopment Authority, hereinafter called the Authority, and the keeper of the records, including the journal of proceedings of the Authority.

(2) That the following is a true and correct copy of a vote as finally adopted at a meeting of the Authority held on October 22, 1992 and duly recorded in this office:

Copies of a memorandum dated October 22, 1992 were distributed entitled "BOSTON GARDEN ARENA" which included four proposed votes. Attached to said memorandum were documents entitled "BOSTON REDEVELOPMENT AUTHORITY REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED AND ST. 1960, C.652, AS AMENDED"; and "APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED AND ST. 1960, C.652, AS AMENDED".

Mr. Eric Schmidt, Director of Urban Design, addressed the Authority and answered the Members' questions.

The following addressed the Authority in support of the proposed project:

Mr. Patrick B. Moscaritolo, President, Greater Boston Convention and Visitors Bureau, Inc.;
Mr. Joseph W. Nigro, Jr., Boston Building Trades Council;
Mr. Joseph Sheehan, Business Agent, Electricians Union;
Mr. Robert Ward, Executive Director, Roxbury Boys and Girls Clubs;
Mr. Stephen I. Burr, Eckert Seamans & Cherin Mellott.

The following letters were received in support of the proposed project:

Mr. Richard F. Neal, Executive Director, Massachusetts Interscholastic Athletic Association, Inc., dated October 21, 1992;
Mr. Jack Parker, Head Hockey Coach Boston University, dated October 21, 1992;
Mr. Peter Steffian, President, Downtown North Association, dated October 22, 1992;
Mr. Joseph W. Nigro, Jr., Boston Building Trades Council, dated October 22, 1992; and
Statement of Patrick B. Moscaritolo, Greater Boston Convention and Visitors Bureau, Inc., dated October 22, 1992.

On motion duly made and seconded, it was unanimously

VOTED: That the document entitled, "BOSTON REDEVELOPMENT AUTHORITY REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED AND ST. 1960, C.652, AS AMENDED" be and hereby is approved and adopted in all respects...

The aforementioned "Application for Approval of Garden Corporation..." and "Report and Decision..." are incorporated in the Minutes of this meeting and filed in the Document Book of the Authority as Document No. 5530.

(3) That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal

quorum was present throughout the meeting and a legally sufficient number of members of the Authority voted in a proper manner and all other requirements and proceedings under law incident to the proper adoption or the passage of said vote have been duly fulfilled, carried out and otherwise observed.

(4) That the document to which this certificate is attached is in substantially the form as that presented to said meeting.

(5) That if an impression of the seal has been affixed below, it constitutes the official seal of the Boston Redevelopment Authority, and this certificate is hereby executed under such official seal.

(6) That Paul L. Barrett is the Director of this Authority.

(7) That the undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF, the undersigned hereunto has set his hand this Twenty-third day of October 1992.

BOSTON REDEVELOPMENT AUTHORITY

By: Klaus Jermolov
Secretary

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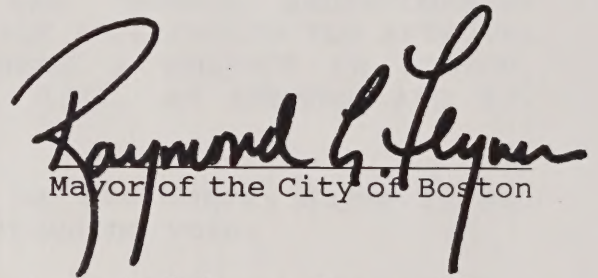
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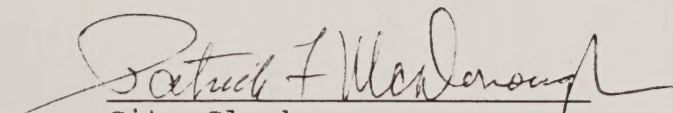
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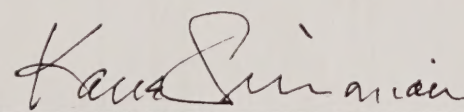
Including, without limiting the generality of the foregoing, the "BOSTON REDEVELOPMENT AUTHORITY REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS, UNDER MASS G.L.C. 121A, AS AMENDED AND ST. 1960, C.652, AS AMENDED"; the rules and regulations for the project contained in said Report and Decision; the October 22, 1992 vote of the Authority approving said Report and Decision for the Project to deviate from zoning, building code regulations and ordinances in effect in the City of Boston.


Mayor of the City of Boston

October 28, 1992
Date

Attest:


City Clerk


Secretary
Boston Redevelopment Authority

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Clarence J. Jones
Chairman

One City Hall Square
Boston, MA 02201
TEL (617) 722-4300
FAX (617) 367-5916

October 28, 1992

Mr. Patrick F. McDonough
City Clerk
Room 601, City Hall
Boston, MA 02201

SUBJECT: BOSTON REDEVELOPMENT AUTHORITY REPORT AND DECISION
ON THE APPLICATION FOR APPROVAL OF GARDEN
CORPORATION TO UNDERTAKE A PROJECT IN BOSTON,
MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED
AND ST. 1960, C.652, AS AMENDED

Dear Mr. McDonough:

Pursuant to Section 13, Chapter 652 of the Acts of 1960, I hereby
file with the Office of the City Clerk the following material
attested by the undersigned as Secretary.

A Certificate of Vote of the Authority adopted on October 22,
1992, approving and adopting the "BOSTON REDEVELOPMENT
AUTHORITY REPORT AND DECISION ON THE APPLICATION FOR APPROVAL
OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON,
MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED AND ST.
1960, C.652, AS AMENDED".

An executed copy of the Approval by His Honor, Mayor Flynn,
dated October 28, 1992, of the foregoing vote.

Attached to the above-mentioned Certificate of Vote and Approval
thereof by His Honor, Mayor Flynn, is a copy of the aforementioned
"...REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN
CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER
MASS. G.L.C. 121A ...".

Patrick F. McDonough

-2-

October 28, 1992

Please acknowledge the filing of the foregoing on the xerox copy of this letter and return the same to the undersigned.

Very truly yours, \

Kane Simonian

Kane Simonian
Secretary

Receipt of the aforementioned
is hereby acknowledged:

Edward T. Kelley
City Clerk

Oct. 28, 1992
Date

OFFICE OF THE SECRETARY OF DEFENSE

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

BOSTON
REDEVELOPMENT
AUTHORITY

Raymond L. Flynn
Mayor

Clarence J. Jones
Chairman

One City Hall Square
Boston, MA 02201
TEL (617) 722-4300
FAX (617) 367-5916

October 23, 1992

Honorable Raymond L. Flynn
Mayor of Boston
City Hall
Boston, Massachusetts

SUBJECT: BOSTON REDEVELOPMENT AUTHORITY REPORT AND DECISION
ON THE APPLICATION FOR APPROVAL OF GARDEN
CORPORATION TO UNDERTAKE A PROJECT IN BOSTON,
MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED
AND ST. 1960, C.652, AS AMENDED

Dear Mayor Flynn:

At the regular meeting of October 22, 1992, the Authority approved the "APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L. C. 121A, AS AMENDED AND ST. 1960, C. 652", and also approved and adopted the document entitled: "BOSTON REDEVELOPMENT AUTHORITY REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L.C. 121A, AS AMENDED AND ST. 1960, C.652, AS AMENDED". The adoption of this document constitutes approval by the Authority.

Enclosed herewith for your review are four copies of the "...REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L.C. 121A ...", together with all attachments. Attached to each copy of the Report and Decision is a Certificate of Vote executed by the undersigned as Secretary.

Section 12 of Chapter 652 of the Acts of 1960 provides as follows: "...provided, however, that no vote of the Authority approving a project or any change therein, or making or amending any rule, regulation or standard therefor, shall be in force until approved by the Mayor of said City." Your approval pursuant to Section 12 is respectfully requested.

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Hon. Raymond L. Flynn

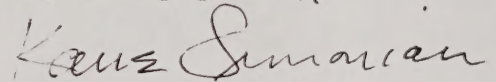
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October 23, 1992

The Approval Form which is attached to each set of the aforementioned documents is in the form previously approved by the City of Boston Law Department.

If the vote of the Authority approving the "...REPORT AND DECISION ON THE APPLICATION FOR APPROVAL OF GARDEN CORPORATION TO UNDERTAKE A PROJECT IN BOSTON, MASSACHUSETTS UNDER MASS. G.L.C. 121A ..." meets with your approval, please sign all four copies of the Approval Certificate, one copy of which I am required as Secretary to file with the City Clerk pursuant to Chapter 652 of the Acts of 1960.

Very truly yours,

A handwritten signature in cursive script, reading "Kane Simonian".

Kane Simonian
Secretary

KS:JC
Attachments

